

AN  
EXPOSIT  
OF CERTA

difficult and obse  
words, and Termes  
*the Lawes of this  
Realme.*

*Newly amended and augment  
in French and English, for  
helpe of such young Student  
as are desirous to attaine  
to the knowledge  
of the same.*



LONDON,  
*Printed for the Company  
of Stationers. 1609.*

*Cum Privilegio.*



0...296.7

# The Table.

<b>A</b>		Amendment	19 a
Batement de huse		Amercement	19 b
ou plaint Fol. 1. a		Amercement royal	19. b
Abatement en terres	1. b	An, tour, & waſt	20 a
Abbot	2. a	Amuſtie	20. a
Abbettoys	2. b	Appeal	20 b
Abeyance	3. a	Appellant	20. b
Abiſherſing	4. a	Appelloz	20. b
Abiuration	4. a	Appendant & Appurte-	
Abitogement de plaint ou		nant	20. b
demaund	5. b	Appoyſonment	20 b
Accedas ad Curiam	6. a	Appoyſonments	21 a
Acceptance	6 b	Arbitrement	22 b
Accelſories	7. a	Arreſt	22. b
Action	7. b	Arreages	24. a
Actions personals	7. b	Aſſes	24. a
Actions reals	7. b	Aſſignee	25. a
Actions popuier	8. a	Aſſiſe	25. a
Actions mixte	8. b	Aſſiſe de Darrein preſ.	26. b
Action del huse	9 a	Aſſiſe de Wobthanceſt.	26. b
Action ſur le caſe	9. a	Attainder	26. b
Action ſur leſtatute	9. a	Attaine	26. b
Accomp	9. b	Attournement	27. a
Accord	10. a	Audita querela	27. b
Acquitall	10. b	Auerement	27. b
Acquittance	11. a	Auerpeny	28. a
Acts	11. b	Auntient demerits	28. a
Additions	11. b	Quowry	28. b
Adiournement	12 b		
Admeaſureſit de dowſ	13. a	<b>B.</b>	
Admeaſ. de paſturs	13 b	Baile	29 a
Administratoz	14. a	Bailment	29. a
Admirall	14. b	Bailife	29. b
Ad quod dampnum	15. a	Backberind cheefe	29. b
Aduowſon	15. a	Bargaine & ſale	30. a
Age pper	15. a	Barre	30. b
Agreement	16. a	Bale fee	30 b
Aide	17. b	Baſtard	30. b
Aide de Roy	18. a	Battaille	31. b
Aiel	18. b	Bigamy	31. b
Alien	18. b	Blodwit	32. b
Alienation	19. a	Boote	32. b
Ambidextes	19. a	Broodhalſepeny	33. a
		Burgage	33. a
		<b>A. ij.</b>	<b>Bug.</b>

# The Table.

Bugbore	33.a	tions	49.a
Burgbote	33.a	Contra formam Feoffa-	
Burghbrech	33.b	ment	49.b
Burghengush	33.b	Contributione fac.	49.b
Burglary	33.b	Conulsans	50.a
		Corodie	50.b
Capias	34.a	Coroner	51.b
Carunge	34.a	Corporation	52.a
Certification in Affise	34.a	Corps politique	53.a
Cerciozari	34.b	Corruption de sanke	53.a
Cession	35.a	Cosinage	53.a
Cessaite	35.a	Couenant	53.b
Challenge	36.a	Couverture	54.a
Champerry	36.b	Couyn	54.a
Champertoys	37.a	Cui in vita	54.a
Charge	37.a	Cui ante diuoztum	54.b
Charters	37.a	Curtelle Dengleterre	54.b
Chartels	37.b		
Childwit	37.b	Damage fclant	55.a
Chimyn	37.b	Danegelde	55.a
Chose in action	38.a	Darreine presentment	55.b
Cinco Ports	38.b	Deane & Chapter	55.b
Circuit de action	38.b	Decies tantum	56.a
Claine	39.a	Declaration	56.b
Clergy	39.b	Deiunus potestatem	57.a
Clerke attainet	39.b	Defendant	57.a
Clerke conuict	40.a	Defence	57.a
Coadiutoz	40.a	Demandaunt	58.a
Colour	40.b	Deuicings	58.a
Colour de office	41.b	Demy sank	58.b
Collusion	41.b	Demurer	59.a
Commiaundry	42.a	Demizen	59.a
Common ley	42.b	Deodand	59.b
Common	43.b	Departure de son plee ou	
Condition	44.b	mattee	59.b
Confirmation	46.a	Departure in despite del	
Consecrate byens	46.a	Court	59.b
Conspiracie	46.b	Deputie	60.a
Custome	46.b	Debt	60.b
Consulation	47.a	Deuastauerunt bona testa-	
Continuall claine	47.a	toys	61.a
Counterplee	48.a	Deuise	61.b
Conract	48.b	Diem clausit extrem	65.a
Contra formam colla-		Dissent	65.a
			Dis.

### The Table.

Disclatiner	65. b	Erreur	82. a
Discontinuance	66. a	Eſcape	83. a
Diſmes	66. b	Eſcheate	84. a
Diſparagement	67. a	Eſcuage	84. a
Diſſeiſin	67. b	Eſplees	85. a
Diſſeiſin ſur diſſeiſin	68. a	Eſſoine	85. a
Diſſeiſor & diſſeiſee	68. a	Eſtoppel	86. a
Diſcrit	68. a	Eſtrangers	87. a
Diſtreſſe	68. b	Eſtrap	87. a
Diuorçe	70. b	Eſtrepment	87. b
Donor & Donee	70. b	Eſtate probanda	87. b
Double plea	70. b	Excommungement	88. a
Dower	71. a	Exchange	88. b
Droit	72. b	Execution	89. a
Droit ventrie	72. b	Executoz	89. b
Dum non fuiſt compos		Exigent	90. a
mentis.	72. b	Ex parte talis	90. a
Dum fuiſt infra etatem	73. a	Ex graui querela	90. b
Dureſſe	73. a	Extinguiſhment	90. b
		Extortion	91. a
E		F	
Eſlectione firme	73. b	Failer de recozd	91. b
Eſtreament de gard	73. b	ſait	91. b
Eſire Juſtices	73. b	Farme	95. b
Elegit	73. b	Faux impriſonnement	96. a
Elopiement	76. a	Faux iudgement	96. b
Embaceoz	76. b	Fee farme	96. b
Encroachment	76. b	Fee ſimple	96. b
Enheritance	77. a	Feoffement	97. a
Entre	77. a	Feoffoz & Feoffee	97. a
Entre en le Ber, Cui	78. a	Fealtie	97. a
Doſt.	78. a	Felonie	97. b
Entre ad communem		Fieri facias	98. a
legem	79. a	Fine	98. b
Entre in caſu puiſſo	79. b	Firebote	99. b
Entre in caſu conſi.		Fledwit	99. b
mill	79. b	Flemeſwit	100. a
Entre ad terminum qui		Fledwit	100. a
pzeterijt	79. b	Foreſt	100. a
Entre ſine aſſenſu Capi.		Foreſtudger	100. a
tuli	80. a	Formedone	100. b
Entre cauſa matrimonij		Forſtall	101. a
prelocuti	80. a	Forſtaller	101. a
Entreuſion	80. b	Fourcher	101. b
Equiſe	81. a		

# The Table.

Franchife royall	102.a	Infangtheefe	120.a
Frankalmoigne	102.a	Information	120.a
Frank fee	102.b	Instant	120.b
Frankmarriage	102.a	Jointenants	121.a
Franktenement	103.b	Jointeyure	122.b
Fresh fuit	104.a		
<b>G</b>			
Gager deliuerance	104.b	Larceny	122.b
Garrantie des chées	105.a	Laſſage	124.a
Garrantie	105.b	Leaſes	124.a
Garrantie	107.b	Leſſor & Leſſee	124.b
Gard	108.a	Leuant & couchant	124.b
Gardein	109.a	Ley	124.b
Garniſhment	109.b	Libertate probanda	125.b
Gaueler	110.a	Limitation	126.a
Gauelkind	111.a	Liuerte de ſeiſin	126.a
Gelde	112.a	Lothertwit	127.b
Graund Cape	112.a		
Graund Sericantie	112.a	Wayhem	127.b
Gierthbrech	113.a	Wayprie	128.b
		Wannour	128.b
<b>H</b>			
Habere facias ſeiſ.	113.a	Wanumiſſion	129.a
Hangwit	113.b	Warimes	129.b
Harior	113.b	Wainour	130.b
Heybote ou Hedgebote		Waintenance	130.b
	114.a	Welne	130.b
Hibage	114.b	Wiſpion	131.a
Hitchpot	115.a	Wonſtrans de faits ou	
Homage	115.b	Records	131.a
Hontage anceſtreſ	115.b	Wortbaunceſter	132.a
Homeſoken	116.a	Wonſtrauerunt	132.a
Homicide ou manſſ.	116.b	Wortgage	132.a
Hoznegelde	116.b	Woderata miſericord	134.a
Houſebote	116.b	Wortmaine	134.a
Hundred	117.a	Wulter	134.b
Hundredum	117.b	Wurder	135.b
<b>I</b>			
Ideot	117.b	Quatuo habendo	135.b
Idemſſitate nomin.	118.a	Re admittas	136.a
Ideſſaile	118.b	Non omittas &c.	136.a
Illoyal aſſembly	119.a	Regatua pregnant	136.b
Imparlance	119.a	Re inuſte veres	137.b
Impraiſonment	119.b	Riefe	137.b
Indicaute	119.b	Riſil dicte	138.a
		Riſil pius	138.b
			Romi.

# The Table.

<b>A</b>			
Admiration	138.b		
Affidavit	139.a	<b>Q</b>	Quale ius 156.a
Affidavit contract	139.a		Quare electis infra termi-
Affidavit	139.b		nium 157.b
Affidavit obijt	139.b		Quare impedit 156.b
			Quare incumbavit 157.a
			Quare interstet matrimo-
<b>D</b>			nio non satisfacto 157.b
Debell	140.a		Quare non admittit 157.b
Declaratio	140.a		Quarentine 157.a
Declaratio	140.a		Quid iuris clamat 158.b
Dyer de Records & fait	140.b		Quinzime 158.b
Dyer & terminer	141.a		Quod et desociat 159.a
			Quod permittat 159.a
<b>P</b>			
Pape	141.a		Quo iure 159.a
Per que servitia	142.a		Quo minus 159.b
Perceivers	142.a		Quo warranto 160.a
Perdition	143.a		
Parties	144.b	<b>R</b>	Rationabil utit. 160.a
Parson	145.a		Rebutter 160.b
Perquisites	145.a		Rediffusion 160.b
Peramulacsa.	145.b		Regrator 160.b
Petit Cape	146.a		Reloinder 161.b
Petit Sericanty	146.b		Relation 161.a
Plaintifs	146.b		Release 161.b
Pleading	146.b		Relief 162.a
Post diffition	147.a		Remainder 163.a
Possession	147.a		Remitter 163.b
Bound	147.a		Rents 164.b
Preamble	147.b		Replevin 169.b
Premunire	148.b		Replication 170.a
Precept in capite	148.b		Replies 170.b
Prescription	148.b		Resciss 171.a
Presentment	149.a		Rescous 171.a
Pretensed droit &c.	149.b		Reservation 171.a
Privileges &c.	150.a		Resignation 171.b
Privileges	151.a		Retrahit 172.a
Proces	151.b		Reue 172.a
Prochein Amp	152.b		Reversion 174.a
Procedendo	153.b		Riot 174.b
Prohibition	153.b		Robbery 174.b
Preteccion	154.a		Rout 174.b
Procreation	154.b		
Purchase	155.b	<b>C</b>	Take 175.a

Aug.

Scire

# The Table.

Scire facias	174. a	Titie ventrie	184. a
Scot	174. b	Toll	184. b
Service de cheualer	175. a	Trenson	185. b
Shewing	175. b	Treasure trone	185. b
Sok	175. b	Turne del Alicont	186. a
Sokmans	175. b		
Socage	177. a		
Summons ad warrant.		U.	
zandum	178. a	Uerbero	186. a
Spollation	178. a	Uiew	186. b
Stallage	159. a	Uilaisca remouenda	187. a
Suit conenant	179. a	Uillenage	187. a
Suit custome	179. a	Uicont	191. a
Suit real	179. a	Uolunt	191. a
Suit service	179. b	Uoucher	191. b
Statute marchant	179. a	Ules	192. a
		Ulury	192. b
		Uilagarie	194. a
T. Talle	181. a	Uirum	194. b
Talle aps poss. ec.	181. b		
Taxe & Tallage	182. a	W.	
Tenure in capite	182. a	Waife	198. a
Terme dans	182. b	Waive	198. b
Testament	182. b	Warwit	199. b
Tidem	183. b	Wast	199. b
Thestbote	183. b	Wreck	200. b
Title	184. a	Wisthernam	200. b
		Warren.	200. b

FINIS.

# Termes of the Law.

Fol. 1.

## 1 Abatement of a Writ or Plaint.

**A** Batemēt of a Writ  
or plaint, is when  
an actiō is brought  
by writ or plaint,  
wherein is lacke  
of sufficient & good mat-  
ter, or els the matter allea-  
ged is not certainly set  
downe, or if the plaintife  
or defendant, or place, are  
misnamed, or if there ap-  
peare variance betweene  
the writ and the specialty,  
or record, or that the writ  
or the declaration be un-  
certaine, or for death of  
the plaintife, or defendant,  
and for diuers other like  
causes, then vpon those  
defaults, the defendant  
may pray that the writ or  
plaint may abate, that is  
to say, that the plaintifes  
suit against him may cease  
for that time, and that  
he shall begin againe his  
suit, and bring a new  
writ or plaint, if hee bee  
so disposed to doe. But  
if the defendaunt in any  
action plead a matter in  
barre, for to annul the

## Abatement de brieve ou plaint.

**A** Batement de brieve  
ou plaint, est quant  
vn action est port  
per brief ou plaint,  
en que fault suffi-  
cient & bone matter,  
ou autrement le matter  
alleage n'est certainement  
alleage, ou si le plain-  
tise ou defendaunt, ou  
lieu, sont misnomme, ou  
si la appeare variance per-  
enter le brieve & le spe-  
cialtie, ou recorde, ou  
que le brieve ou declara-  
tion sont vncertaine, ou  
pur mort del plaintife ou  
defendant, & pur diuers  
autres semblable causes,  
donques sur ceux defaults,  
le defendant poit prie que  
le brieve ou plaint abate-  
ra, cest adire, que le suit  
del plaintife enuers luy  
cessera pur cest temps,  
& que il commencera au-  
suir, & port  
vn nouel brieve ou plaint,  
si il soit ainsi dispose a  
faire. Mes si le def. en ac-  
tion pled vn matter  
en barre pur adnuller le  
action



# The Exposition of

action a tous iours, il ne  
viendra apres a pled' in a-  
batement de bñe, mes si a-  
pres il appiert in le Record  
q est ascun matf apparant  
pur que le bñe doit estre a-  
bas, donq; le def. ou ascun  
aut pson, vt amicus curie  
poit bñ plede & mñe ceo in  
arrest de iudgement.

action for ever, he shall not  
come after ward to plede  
in abatement of the writ,  
but if after it appere in the  
record, that there is some  
matter apparant, for the  
which the writ ought to be  
abated, the the def. or any  
persn as a friend to the court  
may well plede a shew the  
in arrest of iudgement.

Veies les titles de Briefe  
Misnolm, & Variance en  
les abridgements, & le si-  
uer appel le Digests del  
briefes, in quel est fort bñ  
entreat, especialment de  
ceux matters.

See the titles of writs,  
Misnolmer & Variance  
in the Abridgements, and  
the booke called the Digests  
of writs, in which it is ve-  
ry well entreated, especial-  
ly of these matters.

	Faulte de	{ sufficient } matter
		{ ou bone }
	Le matter nest certainment alledge.	
	Plaintiffe	{ Misnolme
	defendant	
	ou lieu	
Causes de Abatement de briefe ou pleint.	variance enter	{ Briefe
		{ Specialtie
		{ ou Record
	uncerteintie del	{ Briefe
		{ Count
		{ ou declaration
	Mort	{ Plaintiffe ou
		{ defendant.

2 Abatement en terres.

Abatement in lands.

Abatement en terres ou  
tenants est quant vn home

Abatement in landes or  
tenants is whē a man  
dieth

dieth seised of lands or tenements, & one that hath no right entred into the same lands or tenements before the heir maketh his entrie, this entrie of him is called an abatement, & hee an Abator. But if the heir enter first after the death of his ancestoz, & the other enter vpon the possession of the heire, this entrie of him is a disseisin to the heire. Look in the book of Entries fol. 63. c. & 205. d. & 519. e. Where this word Abatement is called in latin Intrusio, And I think it better to call it in latin Interpositio, or Intratio per interpositionem, to make a difference betwene this word & intrusion after the death of the tenant for life.

Abbot.

3 An Abbot, was the soueraigne head, or chiefe of those houses, which when they stood were called Abbies, & this Abbot together with the monks of the same house, who were called the couent made a Corporation: such a Soueraigne of any such house shall not be charged by the act of his predecessoz,

morust seisie de terres ou tenements, & vn que nad droit entra en mesmes les terres ou tenements, deuant que le heire fait son entrie, cest entrie de luy est appel vn abatement, & il vn Abator. Mes si le heire enter primes apres le mort de son ancestoz, & le autre enter sur le possession del heire, cest entrie de luy est vn disseisin al heire. Vide liuer Dentries fol. 63. c. & 205. d. & 519. e. lou cest abatement est appel en Latin Intrusio. Et ico entende destre melius de appeller ceo en Latin Interpositio, ou Intratio per interpositionem, de faire difference inter ceo & Entrusio puis mort tenant par vie.

Abbot.

Abbe, suit le Soueraigne rect, ou principall de ceux measons, qu'il quant ils fuerent, fuerent appel Abbies, & cest Abbe ensemble oue les Moines de la meason, qu'il suet appel le Couent, hee vn corporation, & tiel soueraign de aucun tiel meason ne seut charge par act de son predecessoz.

fil

### The Exposition of

sil ne soit per cōmon seale, ou purtiel chose que vient al vse de son meason. Auxy vn Abbe ne serra charge pur le det en q̄ son Commoigne fuit en det deuant son entree en religion, mesq; le creditor ad de ceo vn especialtie, sinon que il auoit deuenus al vse de son meason: Mes les executors del commoigne serra charge oue ceo.

Vide pur ceo en le Abridgements meim title, desouth quel veies coment ascuns de ceux fueront electiue, ascun presentatiue: Et coment fueront perfect, & lour authoritie. Et en cel title sont auxy comprehendre tous auters Corporations spirituall, come Prior & son Couent, Friers & Canons, Deane & Chapter.

4 Abbettors.

Abbettors, sont en diuers cases diuersemēt prise: Vn kind de abbettors sont ceux q̄ maliciousement sans droiturel cause ou desert, procurent auters de fuer faux appeales de murder ou felonie enuers homes, al entent de troubler & greuer

if it be not by cōmon seale, or for such thinges which cometh to the vse of his house. Also an Abbot shall not be charged for the debt of his Monke befoze his entrie in religion, though the creditor haue an especialtie thereof, except that it haue come to the vse of his house: But the executors of the Monke shall be charged therewith.

Awke for this in the Abridgements the same title, vnder which you shall see that some of them were electiue, some presentatiue. And how they were made Gouernors, and their authoritie. And in this title are also comprehended all other Corporations spirituall, as Prior & his Couent, Friers & Canons, Deane and Chapter.

Abbettors.

Abbettors, are in diuers cases diuersly taken: One kind of Abbettors are they that maliciously without iust cause or desert, do procure other to sue false appeales of murder or felonie against men, to the intent to trouble & greue them,

them, and to bring them to infamie and flaunder. Abbettozs in murders are those that commaund, procure, counsell, or comfort others to murder. And in some case such Abbettozs shall be taken as principals, & in some case but as accessories: So in other felonies. And their presence at the deed doing, & their absence maketh a difference in the case. There are abbettozs also in treason, but they are in case as principals, for in treason there are no accessories.

Take more in the booke called the Plees of the Crown, made by the right worshipfull Judge Sir W. Stamford, in the titles of Accessories, and Damages in appeal.

eux, & pur faire eux en infamie & flaunder. Abbettozs en murder sont ceux que commaund, procure, counsell, ou comfort auters de murder. Et en ascū case tel Abbettozs seront prises come principals, & en ascun case forsq; come accessories: Il sint en auter felonies. Et leur presence a le chose fait, & leur absence de la fait vn difference en le case. Il y ad Abbettozs auxy en Treason, mes ils sont en case come principals, car en Treason il ny ad ascun accessories.

Veies pluis de ceo en le lieur appel les Plees del Corone, compile per le tresreuerend Judge Sir W. Stamford, en les titles de Accessories, & Damages en appeal.

5 Abeyance.

Abeyance, is when a lease is made for term of life, the remainder to the right heires of I. S. which I. S. is lying at the time of the grant, now by this grant the remainder passeth from the grantor presently, yet it besteth not present-

Abeyance.

Abeyance, est quant vn lease est fait pur terme de vie, le remainder al droit heires de I. S. le quel I. S. est en vie al temps del grant, Ore per cest graunt le remainder passa hors del grauntour maintenant, vacore il ne vesta maintenant,

# The Exposition of

nant, ne prist effect en le ly, nor taketh hold in the  
grantee, cest adire le droit graunte, that is to say, the  
heire de I. S. mes est dit right heire of I. S. but  
desse en abeyance, ou come is said to be in abeyance,  
les Logicians appelle ceo oz else as the Logicians  
in potentia, ou in intel- terme it in power, oz in  
lectu, & come nous dio- vnderstanding, and as we  
mus in nubibus, cest asca- say in the cloudes, that is  
noir, en le consideration to wit, in the consideration  
de le ley, Que si I. S. mo- of the Law, That if I.  
rust eyant vn droit heire en S. die having a right heir,  
vie, & viuant le lessee pur & lpying the lessee for life,  
vie, donques ceo est vn bon then this is a good remain-  
remainder, & a ore veste der, and now vesteth and  
& vient en le dit droit commeth into the ryght  
heire, en tel sort que il poit heire, in such sort as that  
graunt, forfeit, ou auter- he may graunt, forfeit, oz  
ment dispose ceo, & cessa otherwise dispose the same,  
desse ore en abeyance, pur & ceaieth to bee any moze  
ceo que il est vn a ore de in abeyance, for that there  
abilite pur prender ceo, is one now of abilitie  
pur ceo que I. S. est mort, take it, because that I. S.  
& ad relinquish vn droit is dead, & hath left a right  
heire en vie, le quel ne poit heire in life, which could  
estre viuant I. S. car durant not be liuing I. S. for that  
son vie nul poit proper- during his life none could  
ment estre dit son heire. properly be said his heire.  
Item si vn home soit pa- Also if a man bee Patron  
tron dun Esglise, & present of a Church, & presenteth  
auter a ceo, Ore est le fee one to the same, Now is  
des terres ou tenements the fee of the lands & tene-  
perteignant al rectorie en ments pertaining to the  
le Parson, mes si le Parson rectorie in the parson, but if  
morust, & le Esglise est de the Parson die, & the church  
uenus voide, donques est is become voide, then is  
le fee en abeyance, tanqu: the fee in abeyance, vntill  
there

there bee a newe Parson presented, admitted, and inducted, for the Patron hath not the fee, but onely the right to present, and the fee is in the incumbent that is presented, and after his death, it is in no bodie but in abeyance, till there be a new incumbent as is aforesaid.

See Lit. his 2. booke c. 11. fol. 145. And Park. fol. 12.

6 Abisherling.

**A**Bisherling (and in some copies *Whitherling*) is, to be quit of amercedments before whom forer of transgression proved.

7 Abiuration.

**A**Biuration is an oth that a man or woman shall take when they have committed felony, & flye to the Church or churchyard, or to any other place privileged for sauegarde of their liues, choosing rather perpetual banishment out of the realme, than to stand to the lawe & to be tried of the felony, in which case before the Coroner he shall make such confession, which may make a sufficient iudice

il soit vn nouel Parson present admit & induct, car le Patron n'ad le fee, mes seulement le droit de presenter, & le fee est in le incumbent, que est present, & puis son moit, il nest en aucun mes en abeyance, tant que il soit vn nouel incumbent come est auant dit.

Veyes Lit. lib. 3. Cap. 11. fol. 145. & Park. fol. 12.

Abisherling.

**A**Bisherling (& in alcuni copies *Misherling*) hoc est, quietum esse de amerciamtis coram quibuscunq; de transgression probata.

Abiuration.

**A**Biuration est vn serement, qd home ou feme preynount quant ils ont commise felonie, & sue al Esglise ou cemitorio, ou autre lieu priuiledge pur ruitio de leur vies elisant pluistost perpetual banishment hors de Realme, que a estoier a le ley, & destre trie del felony. En cel case deuant le Coroner il ferra tel confession que puit faire sufficient enditement

# The Exposition of

ment de felony, donques le Coroner al common ley luy ferra de abiure la Realme, & assignera a luy a quel Port il alera, & luy iura que il ne va hors del hault chemin, & que il ne demurra a le port, (si il poit auer bone passage) lorsque vn flood & vn ebbe, & si il ne poit auer passage, que il alera chescun iour durant xl. iours en la mere a son genu: Mes si n'el felon que abiure ala hors de la chemin, & sua a auter lieu, si il soit prise, il ferra amercue deuant le iudge, & la auera iudgement destre pendus. Mes sil que issint pria la priuiledge ne voyle abiure, donques il auera la priuiledge pur xl. iours, & chescun poit luy doner vyand. Mes si ascun done luy vyand apres xl. iours, mesque il soyt femme, n'el doner est felonye. Auxy cestuy que abiure ferra deliuer per vn Constable al auter, & de vn franchise al auter, tanque il viuent a son port, & si le ment of felonye, then the Coroner at the common law shall make him to swore the Realme, & shall assigne him to what Port he shall go, & shall swear him that he goe not out of the high way, & that hee should not abide at the port (if he may haue good passage) but one flood & one ebbe, & if he cannot haue passage, then he shall goe euery day during xl. daies in the seas to the knees: But if such a felon as abiureth goe out of the high way, & flyeth to another place, if he be taken, hee shall bee brought before the Judge, & there shall haue iudgement to be hanged. But if he which so prayeth the priuiledge wil not abiure, the he shall haue the priuiledge for xl. daies, & euery man may giue him meate and drink. But if any giue him sustenance after xl. daies, although it bee his wife, such giuing is felonye. Also he that doth abiure shall be deliuered from one Constable to an other, & from one franchise to an other, til that he come to his port, and

# Termes of the Law.

and if the Constable will not receiue him, hee shalbe grievously amerced. Look  
 P oath in the Treatise de  
 Abiuratione Latronum.

And this law was instituted by S. Edward the  
 Confessor, a King of this  
 Realme befoze the Con-  
 quest, and was grounde  
 vpon the law of mercie, &  
 for the loue and reuerence  
 no doubt that hee & other  
 his successours did beare  
 vnto the house of God, or  
 place of praier and admi-  
 nistration of his word &  
 sacraments, which we cal  
 the Church. Note this  
 law is now chaunged by  
 the statutes 21.H.8.cap.2.  
 22.H.8.ca.14. and 32.H.  
 8. cap. 12. by which it ap-  
 peareth, that hee at this  
 day shall not abiure the  
 Realm, but all his libertie  
 of this realme, and all his  
 liberall and free habitati-  
 ons, resorts and passages  
 from all places of this  
 Realme, to one certaine  
 place in this realme there-  
 to limited by. 32.H.8.c.13.  
 & 33. H. 8. cap. 15. Look  
 moze in Stamf. lib. 2. cap.

Constable ne voit resceiue  
 luy, il sera greueusement  
 amerce. Vide iuramen-  
 tum in tractatu de abiura-  
 tione Latronum.

Et cest ley fuit institue  
 per S. Edward le Confes-  
 sor, vn Roy de cest Realme  
 deuant le Conquest, &  
 fuit ground de le ley de  
 mercie, & pur le amour  
 & reuerence sans, doute,  
 que il & autres ses suc-  
 cessors poteront al mea-  
 son de Dieu, ou lieu de  
 praiers & administration  
 de son parol & Sacra-  
 ments, le quel nous appel-  
 lous Eglise. Nota cel  
 ley est ore change per Sta-  
 tutes 21 H.8. cap. 2. 22. H.  
 8. Cap. 14 & 32. H.8. cap.  
 12. per queux appiert, que  
 il a cel iour ne abiurera le  
 Realme, cins tout son li-  
 bertie de cest Realme, &  
 tout son liberal & franke  
 habitations, resorts, & pas-  
 sages de tous lieux de  
 cest Realme, a vn certaine  
 lieu en cel realme a ceo li-  
 mit per 32. H 8. cap. 13. &  
 33. H.8. cap. 15. Vide plus  
 inde Stamf. lib. 2. Cap.



The Exposition of

**8** Abridgement de plaint  
ou demaund.

**A**Bridgemēt de plaint ou  
demand eit lou vn port  
vn Assise, brieve de dower,  
brieve de gard, ou tiel sem-  
blables, en queux cales pur  
ceo que le brieve de As-  
sise est, de libero tenemen-  
to, come en brieve de do-  
wer, le brieve est Rationa-  
bilem dotem que cam cō-  
tingit de libero tenemen-  
to W. ion baron. Et en vn  
brieve de gard, le brieve est  
Custod terrarum & hæ-  
redis &c. sans monstre al-  
cun auter certainie en les  
brieves; mes en le pleint  
del assise ou demaund en  
le brieve de dower, & en  
le count en brieve de gard,  
le plaintife ou demaun-  
dant monstra le certain-  
tie des acres, ou parcells  
de terre, la si le tenant  
plede Nontenure, ou loin-  
tenancy ou ascun auter  
tiel semblable plee a par-  
cel del terre demaund, en  
abatement del brieve, don-  
ques le plaintife ou de-  
maundant poit abridger  
son plaint, ou demaund al  
cest parcel, cē adire, il poit

Abridgemēt of a plaint  
or demaund.

**A**Bridgement of a plaint  
or demaund, is where  
one bringeth an Assise,  
writ of Dower, writ of  
ward, or such like, in which  
cales for that the writ of  
Assise is, de libero tene-  
mento, as in a writ of do-  
wer, the writ is, Rationa-  
bilem dotem que cam cō-  
tingit de libero tenemen-  
to W. her husband. And  
in a writ of ward the writ  
is, Custod terrarū & hæ-  
redis &c. without shewing  
any certainie in these  
writs: but in the pleint of  
the assise, or demand in the  
writ of dower, and in the  
count in the writ of ward,  
þ plaintife or demaundant  
is to shew the certainty of  
þ acres, or parcells of land,  
then if the tenant pleadeth  
Nontenure, or loyntenan-  
cy, or some other such like  
plee to parcell of the land  
demanded in abatement  
of the writ, then the plain-  
tife or demaundant may  
abridge his plaint, or  
demaund to that parcell,  
this is to say, hee may  
leave

leane out that part, & pray that the tenant shall answer the rest to which he hath not yet pleaded any thing. The cause is for that in such writs the certaintie is not set downe, but is generally: and notwithstanding the demandant hath abridged his plaint or demand in part, yet the writ remayneth good still for the rest.

9 Accedas ad Curiam.

**A**ccedas ad Curiam, is a writ directed to the Shirefe, commaunding him to go to such a Court of some Lord or franchise, where a plaint is sued for taking of beastes as a distress, or any false iudgement is supposed to be made in any suite which hath bin in such a Court, which is not a Court of record, and that the Shirefe shall there make record of the said suite in presence of the suitors of the same Court, and of foure other Knights of the Countie, & certifie it into the Kinges Court, and at that day that is limited in the writ.

omit hors cest part, & prie que le tenant respondra al rest a que il ne ad vncore plede ascū chose. Le cause est pur ceo que en tielx briefes le certaintie n'est mis, mes est generalment: & niēt obstant le demandant ad abridge son plaint ou demanda en part, vncore le brieve demure bon pur le residue.

Accedas ad Curiam.

**A**ccedas ad Curiam, est un bñe direct al vicont, luy commaundant de aler a tiel court dascun Seignior ou franchise, lou un plaint est sue pur prisel del auers come distresse, ou ascun faux iudgement est suppose deite fait en ascun suit que suit en tiel court, quel n'est court de record, & que le Vicont la ferra record del dit suite en presence del suitors de mesm le Court, & de quatuor autres Chivalers de le countie, & ceo record certifiera al court le Roy, & a cel iour quel est assigne en le brieve.

# The exposition of

*Acceptance.*

10

*Acceptance.*

Acceptance est vn prendrans en bon gree, & come vn agreement al ascun choie fait deuant, le quel puit auer este vnfait & auoide (si tiel acceptaice nad eistre) per luy ou ceux que issint accepta, si come pur exemple: si vn Eueq; deuant statute fait anno primo Elizabeth leste terre part del possessions de son Euescherie pur ans reseruant rent & morus. & puis vn autre est fait Eueque, le quel accepta, cest a dire, pritt ou receiue le rent quant il est due & doit estre pay, ore per cest acceptance le lease est fait perfect: & bon, le quel autrement le nouel Eueque poit alers bien auoide & faire frustrate.

Semblable ley est, si vn home & la feme leisi de ires en droit del feme ioyne & font lease ou feoffement per fait reseruant rent, & le baron morust, el accepta ou receiua le rent, per cel le feoffement ou lease est fait perfect & bon, & sera barre a luy de porter sa bñe appel Cui in vita.

Acceptance is a taking in good part, and as it were an agreeing vnto some act dōe before, which might haue bin binden & auoided (if such acceptaice had not bin) by him or thē h̄ so accepted, as for example: if a Bishop before the Statute made in the first yere of Eliz. leaie part of the possessions of his Bishoprick for term of yeres, reseruing rent & dieth, and after another is made bishop, who accepteth, that is to say, taketh or receiueth the rent whē it is due & ouer to be paid, now by this acceptance h̄ lease is made perfect and good, which els the new Bishop might very well haue auoided & made frustrate.

The like law is, if a mā & his wife seised of land in the right of the wife, ioyne & make a lease or feoffment by deed, reseruing rent, & the husband dieth, thē accepteth or receiueh̄ h̄ rent, by this h̄ feoffment or lease is made perfect and good, & shal bar her to bring her writ called Cui in vita.

*Accessories.*

**A**ccessories are in two  
sorts, the one before the  
offence, the other after the  
offence is done. Accessorie  
before the fact, or offence,  
is he that commaundeth or  
procureth an other to do  
felony, & is not there pre-  
sent himselfe when the o-  
ther doth it, but if hee be  
present, then he is also prin-  
cipall. Accessorie after the  
offence, is he that recei-  
ueth, fauoureth, aideth, as-  
sisteth, or comforteth any  
man that hath done any  
murder, or felony, wherof  
he hath knowledge, such  
an accessorie shal be puni-  
shed, and shal haue iudge-  
ment of life & member, as  
well as the principal & hich  
did the felony: but such an  
accessory shal neuer be put  
to that till the principal be  
attaint or conuict, or bee  
outlawed thereupon. But  
a woman in such case shal  
not be accessorie for help-  
ing her husband. In great  
or high treason as well the  
commaunders as the assi-  
sters & receiuers after be  
alwaies principals.

Also one may be access-

*Accessories.*

**A**ccessories sont en deux  
sorts, lun auant le fait,  
le autre puis le fait fait.  
Accessorie deuant le fait,  
est celuy que commaunda  
ou procura autre de faire  
felony, & n'est la present  
luy mesme quant l'autre le  
fait, mes sil soit present  
donques il est auxy prin-  
cipal. Accessorie puis le  
fait est celuy que receiua,  
fauora, aida, assist, ou com-  
fort aucun home que ad  
fait aucun murder, ou felo-  
nie, dont il ad conusauns,  
tiel accessory serra puni-  
sh, & auera iudgement de vie  
& de member, auxy bien  
come le principal que fist  
le felony: Mes tiel access-  
orie ne serra iammais mis  
a responder a ceo ranque  
le principal soit conuict ou  
attaint, ou soit vilage de  
ceo. Mes vn feme en tiel  
case ne serra accessorie pur  
le ayder de son baron. En  
graund ou hault Treason  
cibien les commaunders,  
come les assisters & recei-  
uers apres, sont tous soitz  
principals:

Auxy vn poit estre ac-  
cessorie

## The Exposition of

cessorie al accessorie, sicōe vn feloniousl̄ receiue vn auter q̄ est accessorie al felonie, la le receiueur est vn accessorie.

Veies pluis del accessorie en le dit Lieur de les Plees del Crowne, le prim̄ lieur, cap. 44. 45. 46. 47. 48. 49. & 50.

12 Action.

**A**ction est le forme de vn suit done per le ley de recouer chose, come action de Dette, & tielx semblables.

Vide Lexicon Iuris pur action.

13 Actions personnels.

**A**ctions personnels sont tiels actions per queux home clame dette ou auter biēs & chateux, ou dāmage pur eux, ou dāmage pur tort fait a son p̄son, & est pp̄nt cel q̄ en le Ciuil ley est appel actio in personam, que aduersus eum intēdirur, qui ex contractu vel delicto obligatus est aliquid dare ou concedere.

14 Actions reals.

**A**ctions reals sont tiels actions per queux le demandant clame title al

sozie to an accessorie, as if one feloniously receiue another that is accessorie to felonie, there the receiuer is an accessorie.

See moze of accessorie in the said booke of Plees of the Crowne the first booke cap. 44. 45. 46. 47. 48. 49. & 50.

Action.

**A**ction is the forme of a suit giuen by the Law to recouer a thing, as an action of Debt, and such like.

See the Lexicon of the Law for action.

Actions personnels.

**A**ctions personnels be such actions whereby a man claimeth debt or other goods and chattels, or damage for them, or damages for wrong done to his person, and it is properly that which in the Ciuil law is called Actio in personam, which is brought against him who is bound by covenant or default to give or grant any thing.

Actions reals.

**A**ctions reals be such actions whereby the demandant claimeth title to

any lands or tenements, rents or commons, in fee simple, fee taile, or for terme of life.

15 Action populer.

**A**Ctio populer is an action which is giue by on the breach of some penall statute, the which action euery man that will, may sue for himselfe & the King, by information or otherwise, as the statute alloweth, & the case requireth. And of these actions there bee an infinite number but one for example, as: when any of the Jury that are impanelled and sworn to passe betwene party & party indifferently, doe take any thing of the one side or other, or of both parties to say their verdicts on that side, then any man that will within the yeare next following of offence made may sue a writ called Decies tantum, against him or them & so did take to giue his verdict, & because & this actio is not giuen to one specially, but generally to any of the people as wil sue, it is called an actio populer, but in

ascun terres ou tenements, rents ou com nons, in fee simple, fee taile, ou pur terme de vie.

Action populer.

**A**Ctio populer est vn action que est done sur le breach dascun penal statute, le ql action chescun home q voit poit suer pur luy melme & le Roy, per information ou autrement, cō le statute allow & le case require. Et de ceux actions il y ad infinite nūber, mes vn pur exemple est: Quant ascū del Jury que sont empanel & iurus de passer perenter party & party indifferētmēt, prist ascū chose de lun part ou laut, ou de ambideux parties pur leur verdict dire al ceo part, donques ascun home q voit deins lan procheine ensuant le offence fait, poit suer vn briefe appel Decies tantum enūis luy, ou ceux q isint prist p leur verdict dire, & pur ceo que cest action nest don al vn home specialment, mes generalment al asc'de les peopl' del Roy q voit suer, il est appel vn action populer, mes en

Biiij,

cel

# The Exposition of

cel case, quant vn auoit cō-  
mence de pursuer cel acti-  
on, nul autre poit ceo su-  
& en ceo come semble cel  
varie del action populer  
per le Ciuilley.

16

*Action mixt.*

**A**ction mixt est vn suit  
done per la ley de re-  
couer le chose demaund,  
& auxy damages pur le  
tort fait, come en Assise  
de Nouel disseisin, quel  
briefe (si le disseisor fait fe-  
offement al autre) le dis-  
seisee auera vers le dissei-  
sor & le feoffee ou autre  
terre tenant, & en ceo re-  
couera son feisin del terre  
& ses dammages pur le  
mean profits, & pur le tort  
a luy fait. Et issint est vn  
action de Wast & Quare  
impedit. Mes vn action de  
Detinue nest appel action  
mixt, comt p ceo le chose  
detenus est demaund, &  
serra recouer si poit este  
troue & damages pur le  
detain, & si ne poit estre  
troue, conq; damages pur  
la chose & la deteiner.

Mes ceo est appel sole-  
ment action personal que  
serra port solemt pur biens  
ou chattels, ou charters.

this case whē one hath be-  
gun to pur sue an action,  
no other may sue it, and in  
this as it semth this doth  
barie from an action popu-  
ler by the Ciuil law.

*Action mixt.*

**A**ction mixt is a suit gi-  
uen by the law to reco-  
uer the thing demanded, &  
also damages for ſ wrong  
done, as in Ass. of No. diss.  
the which writ (if the dis-  
seisor make a feoff. to ano-  
ther) ſ disseisee ſhal haue a-  
gainst ſ disseisor, & ſ feof-  
fee or other land tenant, et  
therby ſhal recouer his sei-  
sin of the land & his dama-  
ges for the meane profits,  
& for the wrong done vnto  
him. And so is an action of  
Wast & Quare imp. But an  
action of detinue is not cal-  
led an actiō mixt although  
by it the thinge withheld  
is demāded, & ſhal be reco-  
uered if it may be found &  
damages for the withhol-  
ding, & if it cānot be found,  
thē damages for ſ thing &  
ſ deteining. But ſ is cal-  
led only an actiō personal,  
because that it should bee  
brought onely for goods &  
chattels, or charters.

17 *Action of a writ.*

**A**ction of a writ, is a phrase of speech used when one pleadeth some matter, by which he sheweth the plaintife had no cause to haue *h* writ which he brought, & yet it may be that he may haue another writ or action for the same matter: such a plea is called a plea to the action of the writ, whereas if by the plea it should appeare, that the plaintife hath no cause to haue any action, for the thing demanded, then it shall be called a plea to *h* action.

18 *Action vpon the case.*

**A**ction vpon the case, is a writ brought against one for an offence done without force, as for not performing promise made by the defen. to the plaintife, or for speaking of words, by which the plaintife is defamed, or for other misdemeanour or disceit, where the whole case shall be contained in the writ.

*Action del brieve.*

**A**ction del brieve est vn phrase del parlance, vsc quant vn plede ascun matter, per que il monstre que le plaintife nad cause dauer le brieve que il port, & vncore poit este que il poit auer auter brieve ou action pur mesme le matter: tiel plea est appellé plea al *acti*o del brieve, iou si per la plea appiert que le plaintife naueroit ascun cause de auer ascun action pur le chole demand, donques ceo serra dit plea al *acti*on.

*Action sur le case.*

**A**ction sur le case est brieve port enuers vn pur ascun offence fait sans force, come pur nient performance del promise fait per le defendant al plaintife ou pur parlanee des parols per queux le plaintife est defame, ou pur auter misdemeanour ou disceit, lou tout le case serra contenu en le brieve.

19 *Action vpon the Statute.*

**A**ction vpon the statute, is a writ founded vpon

*Action vpon the Statute.*

**A**ction sur le statute, est brieve foudue sur ascun



## The'Expelition of

cun estatute, lou per as-  
 cun estatute vn action est  
 done a vn en ascun case  
 lou nul tiel action fuit de-  
 uant: Come lou vn com-  
 mit periuie al preiudice  
 dun auter, c' luy que est  
 damnie auera brieft sur  
 le estatute & son case. Et le  
 difference enter action sur  
 le statute & action popu-  
 ler est, que lou le statute  
 done le fuit ou action al  
 partie grieve, ou auter-  
 ment, a vn person certain,  
 ceo est appel Action sur le  
 statute: Mes lou p le statute  
 authority est done a chesc'  
 que voyle de fuer, ceo est  
 appel action popu'ler.

any statute, where by any  
 statute an action is giuen  
 to one in any case where  
 no action was before: As  
 where one comitteth per-  
 iurie to the preiudice of an  
 other, hee which is inda-  
 maged shal haue a Writ  
 vpon the statute: & his case,  
 And the differēce betwēn  
 an action vpon the statute  
 & action populer is, that  
 where the statute giueth  
 the luit or actiō, to the par-  
 ty grieved, or other wise to  
 one person certaine, that  
 is called action vpon the  
 Statute: But where by  
 the Statute authoritie is  
 giuen to euery one that  
 will so sue, that is termed  
 action populer.

20

Accompt.

Accompt.

**A** Ccompt est vn brieft,  
 & gist lou Baylife ou  
 receiuer dascun seignieur  
 ou dauter home, que doit  
 render accompt, ne voit  
 render son accompt, don-  
 ques celuy a que l'accompt  
 doit este render, auera  
 cest brieft. Et per les-  
 tature de Westminster 2.  
 capitulo 10. si l'accomp-  
 tant soit troue in arrears-

**A** Ccompt is a writ, and  
 it lieth where a Bailife  
 or a Receiuer to any Lord  
 or other mā, which ought  
 to render account, will not  
 giue his account, thē he to  
 whō the account ought to  
 bee giuen, shal haue this  
 writ. And by the Sta-  
 tute of Westminster 2.  
 Chap. 10. if the Accomps-  
 tant bee found in arrears-

ges

ges, the Auditors which be assigned to him, haue power to award him to prison, there to abide till he haue made agreement to the party. But if the Auditors will not allow reasonable expence & costes, or if they charge him with more receipts then they ought, then his next friend that will sue for him, shall sue a writ of Ex parte talis out of the Chauncery directed to the Sherife to take foure mainpernors to bring his bodie before the Barons of the Exchequer at a certaine day, and to warn the Lord to appeare there at a certaine day.

ges, les Auditors que sont a luy assignes, ont power de agarder luy a prison, la a demurrer tanq; il ad fait gree al pry. Mes si les Auditors ne voillont allower reasonable expence & costage, ou s'ils chargeront luy oue plusieurs resceiptes quant ne duissent, donques son procheine amy, q voit son procheine amy, q voit suer pur luy, suera vn brieve de Ex parte talis hors del Chauncerie, direct al Vicont: de prender 4. Mainpernors de redit son corps deuant les Barons del Exchequer a certaine iour, & de garner le Seignieur dappearer la a mesme le iour.

Accord.

**A**CCORD is agreemēt between two at the least, to satisfie an offence that the one hath made to the other, when a man hath done a trespass, or such like vnto an other, for which he hath agreed with him to satisfie & content him with some recompence, which if it be executed and performed, then because that this recompence is a full

Accord.

**A**CCORD est vn agreemēt perentū deux al meines pur satisfie vn offence que le vn ad fait al autre, quant vn home ad fait vn trespassse, ou tiel semblable al autre, pur le quel il ad agree oue luy de satisfier & content luy oue recompence, quel si soit executed & performe, donques pur ceo que cest recompence est vn pleine satisf.

# The Exposition of

satisfaction pur le offence,  
il terra vn bon barre en le  
ley, si l'auter apres l'accord  
perfourme, voit suer arere  
vn action pur mesme le  
trespas.

Nota que le primer est  
pprement appelle vn Ac-  
cord, le aut est vn cōtract.

21

*Acquitall.*

**A**Cquirall est quant il y  
ad Seignior, mesme, &  
tenant, & le tenant tient  
de le mesme certeine terres  
ou tenemenes en frankal-  
moigne, frankmarriage,  
ou tielx semblables, & le  
mesme tient ouster auxy de  
le seignior paramount, ou  
deuant luy. Ore doit le  
mesme acqte ou discharge  
le tenant, de tout & ches-  
cun maner de seruite, que  
ascun auter voit auer ou  
demand de luy concer-  
nant mesmes les terres ou  
tenements, pur ceo que le  
tenant doit faire le seruite  
a le mesme tantselement,  
& nemy al diuers seigni-  
ours pur vn tenement, ou  
parcel del terre. Mesme le  
ley est ou il est S<sup>nr</sup>, mesme,  
& tenant come auantdit,  
& le mesme granta al tenat  
(sur le tenuir fait peni eux)

satisfaction for the offence,  
it shall be a good barre in  
the law, if the other af-  
ter the accord performed,  
should sue againe any ac-  
tion for the same trespass.

Note that the first is  
properly called an accord,  
the other a contract.

*Acquitall.*

**A**Cquitall is where there  
is a Lord, mesme, and  
tenant, and the tenant hold-  
eth of the mesme certeine  
lāds or tenemēts in frāk-  
almoigne, frankmarriage,  
or such like, and the mesme  
holdeth ouer also of h<sup>e</sup> lord  
paramount, or aboue him.  
Now ought the mesme to  
acquit or discharge the te-  
nant of all & euery maner  
of seruite, that any o<sup>th</sup>er  
would haue or demaund of  
him, concerning the same  
lāds or tenemēts, for that  
the tenant must do his ser-  
uice to the mesme only, and  
not to diuers lordes for one  
tenemēt or parcel of land.  
The same Law is where  
there is one Lord, mesme,  
and tenant as aforesaid,  
and the mesme graunteth  
to the tenant (vpon the te-  
nure made betwēen them)

to

to acquite and discharge him of all rents, seruices, and such like: This discharge is called acquital. pur acquiter & discharger luy de tous rents, seruices & tels seblables. Cest discharge est appel Acquital.

Like law is if the tenāt holde h of his mesne by like seruices, as the mesne holdeith ouer of the Lord, & the tenant doth or paieith his seruices to the mesne, but the mesne doth not his seruices to the chiefe lord, wherfore hee distraineth the beasts of the tenāt: In this case the mesne for the equaimesse of the seruices ought to acquite the tenāt of the seruice due vnto the Lord. Mesme le ley est, si tenāt tient de son mesne per autels seruices, cō le mesne tient ouster del Seignior, & le tenant fait ou paye seruices al mesne, mes le mesne ne fesoit les seruices al Seignior paramour, per que il distreine les beasts del tenāt: en cel case le mesne pur le oueltie del seruices doyt acquiter le tenant del seruices due al Seignior.

23 *Acquitance.*

**A** Cquitāce, is a discharge in writing of a summe of money, or other dutie which ought to be payed or done: As if one bee bound to pay money vpon an Obligation, or rent reserved vpon a lease, or such like, and the party to whom the money or duty should bee paid or done, vpon the receipte thereof, or vpon other agreement, betwene them had, makeh a writing or bill of his hande, in discharge

*Acquitance.*

**A** Cquitance, est vn discharge en escript dvn summe de mony, ou autre dueite, quel doit estre paye ou fait: si come vn loyt oblige de payer money sur vn obligation, ou rent reservee sur vn lease, ou tiel semblable, & le partie a que le mony ou duery doit estre pay, ou fait, sur le receipte de ceo, ou sur autre agreement parenter eux eue, fait escript, ou bill de son mayne en discharge de

## The Exposition of

de ceo, testimoignant que il est paie, ou autrement content, & pur ceo acquite & discharge luy de ceo, le quel acquitance est tiel discharge & barre en le ley, que il ne poit demanda & recouer mesme le somme ou durie autrefois, contre a ceo, si poit monstre le acquitance.

thereof, witnessing that he is paid, or otherwise content, and therefore doth acquite and discharge him of the same, which acquitance is such a discharge & barre in the law, that he cannot demand and recover that summe or durtie again, contrarie therunto, if he shew the acquitance.

Cest parol differt ab hoc quod in Iure civili acceptitatio dicitur, quia illud fieri potest verbo sine scripto, & nihil aliud est quam ficta solutio & liberatio, licet solutio non sit: nec Apocha dici potest, quæ cautio est solutæ datæ pecuniæ, q̄ non liberat nisi pecunia soluta sit.

This word differeth from those which in the Civil Law be called Acceptitatio, or Apocha, because Acceptitatio may be by word without writing, and is nothing but a fained payment and discharge, though no payment be had. And Apocha is a writing witnessing payment or delivrie of money, which dischargeeth not unless the money be paid.

24 A<sup>cts</sup>.

**A**Cts de Parliament sont leyes positive que consist de deux parts, cest adire de les parolx del act, & del sence de ceo, & ils ambideux ioynt ensemble font la ley.

A<sup>cts</sup>. A<sup>Cts</sup> of parliament, are positive Lawes which consist of two parts, that is to say, of the words of the Act, and of the sence thereof, & they both ioynd together make the law.

25 Additions.

**A**ddition, est ceo que est done al home ouster

Additions. A<sup>ddition</sup>, is that which is given unto a man over

ner and besides his proper name & surname, that is to say, to shew of what estate, or degree, or misterie hee is, and of what Towne or hamlet, or Countie.

Additions of estate are these, yeoman, gentleman, Esquire, and such like.

Additions of degree are those that wee call names of dignity, as Knight, Erie, Marques & Duke.

Additions of misterie are such, scriuener, painter, mason, carpenter, taylor, smith, and so all other of like nature, for misterie is the craft or occupation wherby a man getteth his living.

Additions of towne as Sale, Dale, and such others, and so of the rest.

And where a man hath household in two places he shall be said to dwell in both of them, so that his addition in one of them doth suffice.

By the statute the first yeare of H. the 5. & Chapter the 5. it was ordained that in suites or in actions where proccesse of bilaga-

son proper nomme & surnomme, cest adire, pur monitrier, de quel estat, ou degree, ou misterie il est, & de que Ville ou Hamlet, ou Countie.

Additions de estat sont ceux, yeoman, gentleman, Esquire, & tiels semblables.

Additions de degree sont ceux q nous appellomus nommes de dignite, come Cheualier, Conte, Marques, & Dux.

Additions de misterie sont ceux, scriuener, painter, mason, carpenter, taylor, smith, & issint toutes autres de semblable nature, car misterie ele craft ou occupation, per que home gaine son liuing.

Additions de villes con Sale, Dale, & tiels autres, & issint de les autres.

Et lou vn home ad household en deux lieux, il serra dit demurer en ambideux, issint que son addition en vn de eux suffist.

Fuit ordeine per l'estature Anno 1. Henrici 5. Cap. 5. que en suites ou actions, ou proces duc-lagarie

## The Exposition of

lagarie gift, tiels additions terra al nosme defendant, a declarer son estat, misterie, & lieu ou il enhabite, & que tiels briefes abateront sils ne ount tiels additions, si le defendant prist exception a ceo, mes ils ne abateront per office del Court.

ry lyeth, such additions should bee to the name of the def. to shew his estate misterie and place where he dwelleth, and that such writs shall abate, if they haue not such additions, if the defendant take exception thereto, but they shall not abate by the office of the Court.

Auxy Duke, Marquesse, Counte, ou Chiualler ne sont pas de ceux additiōs, mes nosmes de dignitie, queux duissent auer estre done deuant le Statute.

Also Duke, Marques, Earle, oz Knight bee none of that addition, but names of dignitie, which should haue bin giuen before the Statute.

Et ceo fuit ordeigne per le dit Statute fait en le premier an de Roy H. le 5. cap. 5. al intent que vn home ne serroit greue ne trouble per le vilagarie de vn autre: Mes que per reason de le certayne addition, chescun home poyt estre certainement conus, & portera sa burden de mesme.

And this was ordeined by the said Statute made in the first yeere of King H. the 5. cap. 5. to the intent, that one man might not bee grieved nor troubled by the villarie of another: But that by reason of the certayne addition, euery man might bee certainly knowne and beare his owne burden.

26 *Adiournement.*

*Adiournement.*

**A**Diournement est quant aucun Court est dissolue & determine, & assigne destre garde arriere al autre lieu ou temps. & moy semble est com-

**A**Diournement is when any Court is dissolued and determined, and assigned to bee kept againe at another place oz time, and me thinketh is compounded

bed of two wordes (ad) oz pound de deux parolx (ad)  
(al) and iour. ou(al) & iour.

27 Admeasurement de  
Dower.

Admeasurement de  
Dower.

Admeasurement de dower  
is a writ, and it lieth  
where a womā is endow-  
ed by an infant, oz by a  
gardein of moze then shee  
ought to haue, the heire in  
such case shall haue this  
writ, by the which the wo-  
man shalbe admeasured, &  
the heir restozed to h<sup>is</sup> ouer-  
plus But if one abate, h<sup>is</sup> is  
to say, one which hath no  
right entreteth after h<sup>is</sup> death  
of the husband, and indow-  
the wife of him h<sup>is</sup> is dead,  
of moze then she ought to  
haue, the heire shall not  
haue this writ, but Assise  
of Mordauncester, against  
the woman, & if she plead h<sup>er</sup>  
shee was endowwed of the  
land as of the freehold of  
her husband, the heire shal  
shew how she was indow-  
ed by the abator, and that  
she had moze thē she ought  
to haue, & shal pray that he  
may be restozed to the sur-  
plusage, & if it be found, he  
shalbe restozed.

Admeasurement de dower  
est vn brieve, & gift iou  
vn feme est endow per vn  
infant, ou per vngardeine  
de plus que deuoit auer, le  
heire en tel case auera cest  
brieve, per quel le feme ser-  
ra admeasure, & le heire  
restore a le surplusage. Mes  
si vn abate, cest a dire, vn  
que nad droit enter apres  
le mort le baron, & endow  
la feme de cestuy que est  
mort, de plus que doit au<sup>r</sup>,  
le heire nauera cest brieve  
mes Assise de Mordaunce-  
ster vers la fem, & si el pleā  
que el fuit endowe de ceo  
terre come del franktене-  
ment sa baron, le heir mō-  
stra coment el fuit endowe  
per le abator, & que el ad  
plus que deuoit auer, &  
prierā que il soit restore al  
surplusage, & si soit troue,  
il sera restore.



The Exposition of

28 Admeasurement de  
pasture.

ADmeasurement de pasture, est vn brieve, & gift lou plusieurs tenants, ont common appendant en auter terre, & vn surcharge le commō oue plusieurs auers : Donques lauters commoners poient auer cest brieve vers luy, & auxy poit estre port per vn commoner solement, mes donques couient estre port vers tous lauters commoners, & vers cesty que surcharge, pur ceo q̄ tous les commoners seront admeasures.

Et cest brieve ne gift vers luy, ne pur luy que ad common appartenant, ou cōmon in grosse, mes ceux q̄ ouunt common appendant ou common per cause de visinage.

Vide le diuersitie de tous ceux commons apres en le title de Common.

Auxy cest brieve ne gift pur le Seignior, ne vers le Seignior, mes le Seignior poit distraine les auers le tenaunt que sont surplusage. Mes si le Seignior surcharge le common, les

Admeasurement de  
pasture.

ADmeasurement de pasture is a writ, & it lyeth wheremany tenants haue common appendant in an other ground, & one ouerchargeth the commō with many beasts : Then the other cōmoners may haue this writ against him, and also it may bee brought by one commoner onely : but then it behoueth to bee brought against all the other commoners, and against him that surcharged, for that all the cōmoners shalbe admeasured.

And this writ lyeth not against him, nor for him & hath cōmon appartenant or common in grosse, but them which haue common appendant, or common by cause of visinage.

See the diuersitie of all these commons after wards in the title of Common.

Also this writ lyeth not for the Lord, nor against the Lord, but the lord may distraine the beasts of the tenant that be surplusage. But if the Lord ouercharge the Common, the

com

commoner hath no remedie by the cōmon law, but an Assise of his common.

29 Administrator.

**A**Dministrator, is hee to whom the Ordinarie comitteth the administration of the goods of a dead man for default of an executor, & an action shall lie against him, & for him, as for an executor, & he shall be charged to the value of the goods of the dead man & no further, if it be not by his owne false plea, or for that that he hath wasted the goods of the dead. But if the administrator die, his executors be not administrators, but it behooveth the Ordinary to commit a new administration. But if a stranger that is not administrator nor executor take the goods of the dead, & administer of his owne wrong, he shall be charged & sued as an executor, and not as administrator in any action that is brought against him by any creditor. But if the Ordinary make a letter ad Colligendum bona defuncti, he that hath such a letter is not admini-

commoners nont remedie per le cōmon ley, mes vn Assise de son common.

Administrator.

**A**Dministrator, est celuy a que le Ordinary committe l'administration des biens le mort par default de executors, & action gist vers luy, & par luy come par executor, & sera charge iusques al value des biens le mort & nient ouster, sil ne soit per son faux plee, ou par ceo que il ad wast les biens le mort. Mes si le administrator deuie, ses executors ne sont administrators, mes couient al Ordinary de committe nouel administration. Mes si vn estrange que nest administrator ne executor prist les biens le mort, & administer de son tort demesne, il sera charge & sue come executor, & & nemy come administrator En aucun action que est port vers luy per aucun creditour. Mes si le Ordinary fait vn brieffe ad Colligendum bona defuncti, celuy que adiel letter nest administrator,

C. ij.

# The Exposition of

strator, mes laciō gist vers  
le ordinary auxibien come  
fil prist les biēs en son main  
demescie, ou p le maine de  
ascun de ses seruants p au-  
ter commandement.

30 Admirall.

**A**dmirall est vn officer  
sout le Roy, que ad  
aucthority sur le mere tan-  
tum, pur veyer le nauie  
repaire & maintaine pur  
suppresier & chaser dehors  
eitimures de mere, & de  
faire droit de contractes  
perenter partie & partie,  
concernant chose fait sur  
& ouster le mere, & pur  
cest purpose il ad son court  
appel le Admiraltie. Il  
poit causer son Citation  
destre serue sur le terre, &  
prendre le corps del party  
ou biens en execution sur  
le terre.

Item il ad cognisance  
del mort ou maihem de  
vn home fait en ascū grand  
niese fleerant en grand  
ryuers en le Realme, de-  
basse les ponts de eux pro-  
cheine al mere.

Auxy pur arrest nieses  
en les grand streames pur  
les voyages del Roy &  
Realme, & ad iurisdiction

strator, but the action lieth  
against the Ordinary as-  
well as if he took s goods  
to his own hand, or by the  
hand of any of his seruants  
by any other comādemēt.

Admirall.

**A**dmirall is an Officer  
vnder the King, that  
hath authoritie vpon the  
sea only, to see the flauie  
prepared and maintained  
to suppress & chase away  
robbers and rousers, and  
to iudge of contracts be-  
twene partie and partie,  
concerning things done  
vpon and beyond the seas,  
& for that purpose he hath  
his Court called the Ad-  
miraltie. He may cause  
his Citation to be serued  
vpon the land, & take the  
parties bodie or goods in  
execution vpon the land.

And also he hath cogni-  
sance of the death or mai-  
hem of a man committed  
in any great ship fleeing  
in great Riuers in the  
realm, beneth the bridges  
of the same next the sea.

Also to arrest ships in the  
great streams for the voi-  
ges of the K. & Realme,  
and hath iurisdiction in  
the

the said streames during the same voyages.

31 Ad quod damnum.

**A**D quod damnum is a writ which ought to be sued before the king grant certaine liberties: as a fayne, Market, or such like which may be preiudiciall to others. And by it shal be inquired if it should be a preiudice to graunt them, & to whom it shal be preiudicial, and what preiudice shal come thereby.

32 Aduowlon.

**A**Duowlon is where a man & his heires haue right to present their clerk to the Ordinarie to a parsonage, or other spirituall benefice when it becometh void. And he which hath such right to present is called Patron.

33 Age prier.

**A**Ge prier, is whē an action is brought against an Infant of lands which he hath by descent, there he shall shew the matter to the court, & shall pray that the action may stay till his full age of xxj. yeares, & so by awarde of the Court, the suit shall surcease.

en les dits streames durant mesmes viages.

Ad quod damnum.

**A**D quod damnum est vn brieve que doit estre sue deuant le Roy graunt certaine liberties: Come Faire, Market, ou tielx semblables queux poient estre preiudicial al auters. Et per ceo terra inquisie si seroit preiudice a graunter eux, & a que serra preiudicial, & que preiudice ent auendra.

Aduowlon.

**A**Duowlon est lou vn home & ses heires ont droit de presenter leur Clerke al Ordinarie al vn parsonage, ou auter espiritual benefice quant il deuient void. Et celuy que ad tiel droit de presenter est appel patron.

Age prier.

**A**Ge prier est quant action est port vers enfant de terre que il ad per descent, la il monstra le matter al Court, & priera que le action demurra tanque a son pleine age de xxj. ans, & issint per agard de Court le suit surcesera.

C. iij.

Mes

### The Exposition of

Mes en brieſe de dower & en Aſſiſe, & auxy en tiels actions lou le infant eſt ſuppoſe a vener al terre en demaund de ſon tort demelne, il nauera ſa age.

Auxy nota que ſont pluſors diuerſities de ages, car le Seignior auera ayde de ſon tenaunt en Socage pur marrier ſa ſile, quant la ſile le Seignior eſt del age de ſept ans. Et auxy aide pur faire ſon ſites & heire chivaler, quant il eſt del age de ſept ans.

Auxy feme que eſt eſpouſe al age de ix. ans, ſi ſa baron moruſt ſeſi auera Dower. & nemy deuant ix. ans.

Auxy xiiij. ans eſt le age de feme que ne ſerra en gard, ſi el fuit de tiel age al temps del mort ſon auncelſter, mes ſi el fuit deins age de xiiij. ans, & en gard ſon Seignior, donques el ſerra en gard tanque al age de xvj. ans; Et auxy xxj. ans eſt le age de heire male deſtre en gard, & apres ceo hors de gard.

But in a writ of Dower and in Aſſiſe, & alſo in ſuch actions where the infant is ſuppoſed to come to the land demaunded by his owne wrong, hee ſhall not haue his age.

And note well that there be many diuerſities of ages, for the Lord ſhal haue aide of his tenant in Socage for to marrie hys daughter, when hys daughter of the Lord is of the age of vij. yeres. And alſo aide for to make his ſonne & heire knight, when he is of the age of vij. yeres.

Alſo a woman which is married at the age of ix. yeres, if her huſband die ſeiſed ſhall haue dower, & not beſore nine yeres.

Alſo xiiij. yeres is the age of a woman that ſhe ſhall not be in ward, if ſhe were of ſuch age at hys time of the death of her auncelſter, but if ſhe were with in the age of 14. yeres, & in ward of the Lord, then ſhe ſhal be in ward till the age of 16. yeres. And alſo 21. yeres is the age of the heire male to be in ward, & after that out of ward.

And

And also it is the age of male and female to sue and to be sued of lands which they haue or claime by descent, & to make all manner of contracts & bargains, & not befoze: but if such an infant within the age of 21. yeares giue his goods & he donee take the, the infant may haue an action of trespass, but otherwile it is if he deliuer them himselfe.

Et auxy il est le age de male & female de suer & destre sue des terres, que ils ount ou clayme per descent & de faire tous maners contracts & bargains, & nient deuaunt: mes si tiel infant deins age de 21. ans done ses biens, & le donee eux prist, le enfaunt poyt auer vn action de trespass, mes auterment il est fil deliuer eux.

34 Agreement.

Agreement, is after this sort defined or expounded in Maister Plowdens Commentaries. Aggrementum is a worde compounded of two wordes namely, of Aggregatio, & Mentium, that is to say, Agreement of mindes, so that agreement is a consent of mindes in some things done, or to be done, and by drawing together of the two wordes, Aggregatio and Mentium, and by the hastie and shortpronouncing of them they bee made one worde, to witte, Aggrementum, which is no other thing, then a ioyning, putting,

Agreement.

Agreement, est en cest manner define ou expounde en Mayster Plowdens Commentaries. Aggrementum, est vn parol compoude de deux parolx, cest ascauoir, de Aggregatio & Mentium, cest adire agreement de ments, issint que Aggrementum est Aggregatio mentium in re aliqua facta vel facienda, & per le contraction de les deux parolx, Aggregatio & Mentium, & per le correpte & briefe parlance de eux, ils sont fait vn paroll, cest ascauoir, Aggrementum, le quel nest auter chose, que vn vnion, collecte

## The Exposition of

copulation & coniunction  
on de deux ou plusieurs  
ments in aucun chose fait  
ou desce fait. (Veies apres  
en Testament.) Et cest a-  
greement est en 3. man-  
ners.

Le primer est vn agree-  
ment executed en fait al cō-  
mencement.

Le second, est vn agree-  
ment puis vn act fait p aut, &  
est vn agreement executed  
auxy.

Le tierce est vn agreement  
executory ou dēe fait en  
temps vncō a ven.

Le prim que est vn agree-  
ment executed en fait al cō-  
mencement, est tiel de que  
mention est fait en le sta-  
tute de 25. Edward. 3. ca. 3.  
de pannis in le quart Sta-  
tute q dit, que les biens &  
choies achates p forestal-  
lers, que de ceo seront at-  
taints, soient forfeits al  
Roy, si le achator ent vs  
fait gree al vendor. En quel  
case, cest parol (Gree) que  
est auterment appel agreement  
serra entende agreement  
execute, viz, paiement pur  
les choses.

copling and knitting toge-  
ther of two or moe minds  
in any thing done or to be  
done. (See after in Te-  
stament.) And this a-  
greement is in thre man-  
ners.

The first is an agreement  
executed already at the be-  
ginning.

The second is an agreement  
after an act done by ano-  
ther, & is an agreement exe-  
cuted also.

The third is an agreement  
executory, or to be done in  
time yet to come.

The first which is an  
agreement executed alrea-  
die at the beginning, is such,  
whereof mention is made  
in the stat. of 25. Ed. 3. cap.  
3. of clothes in the fourth  
stat. which saith, That the  
goods and things bought  
by forestallers, being ther-  
of attainted, shall be forfeit  
to the King, if the buyer  
thereof haue made gree  
with the seller. In which  
case the word (gree) which  
is otherwise called agree-  
ment, shall be vnderstande  
agreement executed, that  
is, payment for the  
things.

The

**The second maner of a-** Le second maner de a-  
greement is wher one doth greement est lou vn fait  
a thing, or act, & another vn chose ou act, & vn  
agrees or assents thereto auter agree ou assent a  
afterwards, as if one do a ceo apres, come si vn fait  
disseisin to my vse, & after disseisin a mon vse, & a-  
ward I agree to it, now I pres ieo agree a ceo, ore  
shall bee disseisor from the ieo serra disseisor ab ini-  
beginning, and such agree- tio, & tiel agreement est  
ment is an agreement af- vn agreement puy vn acte  
ter an act done. fair.

**The third agreement is** Let tierce agreement est  
wher both parties at one quant ambideux parties  
time are agreed that such a vn temps sont accords  
a thing shalbe doe in time que tiel chose serra fait en  
to come, and this agree- temps a vener, & ceo agree-  
ment is executozie in ag- ment est executorie, en-  
much as the thing shall be tant que le chose serra fait  
done after, and yet there, apres, & vncore la, lour  
their minds agreed at one ments accord a vn temps.  
time. But because the per- Mes entant que le perfor-  
formace shalbe afterward mance serra apres, & issint  
and the thing vpon which le chose sur que lagrement  
the agreement was made, fuit fait, remaine a faire,  
remaines to bee done, that ceo agreement serra die  
agreement shal be said ex- executorie. Et ceo le sta-  
ecutozie. And that the sta- tute 16.H.8. cap.3. proue,  
tute of 16.H.8. cap. 3. doth ou il dir, que chescun Vi-  
proue where it saith, that car, Parson, & tiel &c. de-  
every vicar, parson, & such uaunt lour actual posselli-  
like, &c. befoze their actu- on ou medling oue les p-  
all possession, or medling firs de lour benefice saul-  
to the profits of their be- fiera, contet, &c. ou agree-  
nefices shall satisfie, contet- ra a payer al vse le Roy  
ec. or agree to pay to the &c. the first fruits, &c. & if les primer fruits &c. Et si  
ascun



## The Exposition of

ascuntiel Parlon, vic' &c. enter en actuall possession, &c. ceo agreement est dée entende executory, come le common vsage proue, car est vse, q'il oue vn ou ij. oue luy faier deux vel trois obligations pur ceo destre pay en certaine iours aps, & cest agreement executory, est deuide en deux poynts. Vn est agreement executorie, que est certain al commencement, com est dit darreyn deuât del prim' fruitz.

L'auter est loule certain- tie nappiert al primes & les parties sont accords q' le chose serra performe, ou pay sur le certainie conus, come si vn vend al autre tout son wheat en tiel tasse en son barne nient thresh, & il est agree patenter eux, que il payera pur chescun bushell 12. d. quaunt il est thresh, cleane, & mea- sure.

any such Parlon or vicar, &c. enter in actuall possession, &c. this agreement is to be vnderstood executory as h' common vse proues, for it is bled that he with one or two with him, doe make two or three obligations for it to bee paid at certain dayes after, & this agreement executory is di- uided into two pointes. One is an agreement exe- cutory which is certain at h' beginning, as is said last before of the first fruitz.

The other is where the certaintie doth not appere at the first, and the parties are agreed that the thing shall be performed or paid vpon h' certaintie known, as if one sell to another al his wheat in such a tasse of his barne vntreshed, & it is agreed between them, h' he shall pay for euery bu- shel 12. d. when it is thre- shed cleane & measured.

35

Ayde.

Ayde, est quaunt tenaunt a terme de vie, tenaunt en dower, tenaunt per le curtesie, ou tenant en taile aps possibilitie dislue ex-

Ayde.

Ayde, is when a tenaunt A for terme of life, tenant in dower, tenāt by curte- sie, or tenant in taile af- ter possibility of issue ex- tinct

tingt is impleaded, then for that they haue no estate but for terme of life, they shall pray in ayde of him in the reuerfion, & processe shall be made by writ against him to come & pled with the tenant in the defence of the land if he will, but it behoueth that they agree in the plee, for if they vary, the plee of the tenat shall be taken, and then the aide praiser is boide: but if hee come not at the second writ, then the tenant shall answer sole.

Also tenant for terme of yeares, tenant at will, tenant by Elegit, & tenant by statute marchant, shall haue aid of him in the reuerfion, & the seruant and bayly of their master, whē they haue done any thing lawfully in the right of their master, shall haue aid.

tingt est emplede, donques pur ceo que ils nont que estate pur terme de vie, ils prieront aide de cestuy in le reuerfion, & processe serra fait p brieve vers luy, de vener & pleder oue le tenaunt, en defence del terre si voyle, mes il couient, que ils accorde en plee; car sils varie, le plee le tenaunt, serra prise, & donques leyde pryer est en vaine; mes sine vient al second brieve, le tenaunt respondera sole.

Auxy tenant pur terme de ans, tenant a volunt, tenant per Elegit, & tenant per statute marchant aueront ayde de cestuy en la reuerfion, & le seruant & bayly de leur Master, quāt ils ont fait ascun chose loialment, en le droit leur master, aueront ayde.

36 Ayde de roy.

AId of the king, is in like case as it is said befoze of a common person, and also in many other cases where the king may haue losse, although that the tenant bee tenant in fee

Ayde de Roy.

AIde de Roy, est en semblable case come est dit deuant de cōmon person, & auxy en plusors auters cases, lou de Roy puit auer perde, coment, que le tenaunt soit tenaunt in fee simple

# The Exposition of

simple, il auera aide, come si vn rent soit demande verstenant le Roy, que ti-ent en chiefe, il auera aide, & illint nauera de auter person.

Auxylou vn Citie ou Borough ad vn fee farme del Roy, & ascua chose est demaude vers eux que apperteigne al fee farme, ils aueront aide pur le perde le Roy.

Auxy home auera ayde de Roy en lieu de voucher. Auxile Baylife, Collector, & Purueior del Roy aueront ayde del Roy, auxibien come les officers de auters persons.

37

Aile.

**A**lle, est vn brieft que gist lou terre discende de layel a son neuiew, viz. fitz, ou file del fitz de layel, le pier esteant mort, deuant entrie per luy, & vn abate, le heire auera vers le abatour cel brieft.

38

Alien.

**A**Lien, est celuy q pere & il meism fuer ambideux

simple, he shall haue aide, as if a rent be demanded against the kings tenant, which holdeth in chiefe, he shall haue aide, & so he shall not of a common person.

And where a Citie or Borough hath a fee farme of the king, and any thing be demaded against them which belongeth to the fee farme, they shall haue aide for the losse of the king.

Also a man shall haue aid of the king in the stead of voucher. Also the kings Bailife, the Collector, and Purueiour shall haue aide of the king, as well as the officers of other persons.

Aile.

**A**lle, is a writt which lyeth where land discendeth from the grandfather to his nephews, s. the son, or daughter of the son of the grandfather, the father being dead before the entrie by him, & one abateth, the heire shall haue against the abatour this writt.

Alien.

**A**Lien, is he whose father and himselfe were both borne

borne out of the kings legiance, and if such an alien being none of the King's enemies, but an alien friend come & dwell here in England, and haue issue, this issue is not alien but English. So if an English man go ouer the Seas with the kings Licence & there hath issue, this issue is no alien.

nee hors del legiance le Roy, & si tuel alien nest-ant vn ennemie del Roy, mes vn alien amy vient & demure cy en Engleterre, & ad issue, cest issue nest alien mes Anglois. Il n'est si vn Anglois ala ouster le mere oue le licence del Roy, & la ad issue, cest issue nest alien.

39 Alienation.

**A**lienation, is as much to say, as to make a thing an other mans, or to alter or put the possession of lands or other things from one man to an other.

Alienation.

**A**lienation, idē est quod alienū facere, ou de alter, ou mitter le possession de terre ou autre chose de lun home al autre.

40 Ambidexter.

**A**mbidexter, is he that when a matter is in suit betwene men, takeeth money of the one side & of the other, either to labour the suit, or such like, or if he be of the Iurie, to say his verdict.

Ambidexter.

**A**mbidexter, est celuy que quant vn matter est en suit perenter homes, prist money de lun part & del autre, ou pur labour le suit, ou tiels semblables, ou sil soit del Iurie, pur dire son verdict.

41 Amendement.

**A**mendement, is when error is in the Proces, the Iustices may amende it after iudgement. But if there be error in giuing of iudgement, they may not amend it, but the party is

Amendement.

**A**mendement, est quant erreur est en le proces, les Iustices poient ceo amender apres iudgement. Mes si error soit en iudgement done, ils ne poient amender ceo, mes le party est mis

The exposition of

mis al brieſe de Errouz. Et en pluſours caſes lou le default appiert en le clerke que eſcriera la Record il ſerra amende: Mes tiels choſes que vient per information del partie, cõe le ville, miſterie, & huiusmodi ne ſerra amende, car il doit informer veray a ſon peril.

42. Amercement.

**A** Mercement, puis pro-  
perment eſt vn penal-  
tie aſſeſſe per les peeres ou  
pares del partie amercie,  
pur vn offence fait, come  
pur default de ſuit de  
court, ou pur non amend'  
de aſcun choſe que il ſuit  
appoint de redreſſer de-  
uant, ou pur tiel ſembla-  
ble cauſe, en quel caſe  
la partie que offende ſoy  
miſt en le mercie del Roy  
ou Seignior, & ſur ceo  
cel penaltie eſt appelle  
Amercement.

43. Amercement royal.

**A** Mercement royal, eſt  
quant vn Vicont, Co-  
roner, ou autre tiel officer  
del Roy eſt amercie per les  
Juſtices pur ſon miſdemean-  
ning en le office. Quare li  
ne ſerra dit fine.

put to his writ of Error.  
And in many caſes where  
the default appeareth in  
clerk that writ the record  
it ſhall be amended: But  
ſuch things as come by  
information of the partie,  
as the towne, miſterie, &  
ſuch like, ſhal not be amen-  
ded, for he muſt informe  
true vpon his peril.

Amercement.

**A** Mercement, moſt pro-  
perly is a penalty aſſeſ-  
ſed by the peeres or equals  
of the partie amerced, for  
an offence done, as for lack  
of ſuit of Court, or for not  
amending of ſome thing  
that he was appointed to  
redreſſe by a certaine time  
before, or for ſuch like  
cauſe, in which caſe, the  
party which offendeth put-  
teth himſelfe in the mercie  
of the King or Lord, and  
thereupon this penalty is  
called Amercement.

Amercement royal.

**A** Mercement royal, is  
when a Shiriſe, Coror-  
ner, or other ſuch Officer  
of the King is amerced by  
the Juſtices for his abuſe  
in the office. Learne if it  
ſhall not be ſaid a fine.

An,

44 An,iour,& wast.

AN,iour,& wast, is a forfeiture whē a man hath committed petit treasō or felony, & hath lands which he holdeth of some commō person, which shalbe seised for the R. and remaine in his hands by the space of one pere & a day next after the attainer, & the trees shalbe digged vp, the houses shall be rased & pulled downe, and the pastures & medowes eied and plowed vp, so that he to whome the lande should come by eschete or forfeiture do not redeem it of the R. a thing the moze to grieue the offenders & terrifie others to fal into the like, in shewing how the Law doth detest their offence, so farre forth as that it doth execute iudgement & punishment euen vpon their liues and dead things.

An,iour,& wast.

AN,iour, & wast, est vn forfeiture, quant vn hōe ad fait petit treason ou felonie, & ad terres queux il tient de ascun common person queux sera seisi pur le Roy, & remayne en son maynes per la space de vn an & vn iour procheyn apres le attainer, & donques les arbres seront desfosse, les measons seront rases, & les pastures, & pesayres & plowed, sinon que il a que le terre deuenera per leschete ou forfeiture, ne ceo redeem de Roy: vn chose le pluis de greuer le offenders & terrifie auters de cader en autiel, en demonstraunce, coment le ley detest lour offence, cy auant issint que il execute iudgement & punishment sur lour mure & mort choses.

45 Annuitie.

ANnuitie, is a certayne summe of money granted to another in Fee simple, Fee tayle, for terme of life, or for terme of yeares, to receiue of the grauntoz

Annuitie.

ANnuitie, est vn certain summe de money grant al vn auter, en Fee simple, Fee tayle, pur terme de vie, ou pur terme de ans, a receiuer del grauntour ou

# The Exposition of

ou ses heires, issint que nul frankement est charge de ceo, de que home nauet vnques Assise ne autre action, forsque brieft de Annuite, & nest aucun assers al heire le grantee a que il discendera.

46 Appeale.

**A**ppeale, est lou vn ad fait murder, robbery, ou mayhem, donques la feme cestuy que est tue, auera vn action de Appeal vers le murderer, mes sil nad feme, donques son procheine heire male auera le appeale a ascun temps deins lan & iour apres le fact. Et anxy cestuy que est issint robbe ou maymed auera son appeale, & si le defendant soyt acquite, il recouera damages vers le appellour & labbetours, & ils aueront le imprisonment dun an, & terra fine al Roy. Appeale de mayhem nest en maner forsque action de trespasse, car il ne recouera forsque damages.

47 Appellant

**A**ppellant est le plaintife en le appeal.

or of his heires, so that no freehold is charged there-with, whereof a man shall neuer haue assise nor other actio, but a writ of Annuitie, and it is none assers to the heire of the grantee to whom it shall discend.

Appeale.

**A**ppeale, is where one hath done murder, robbery, or mayhem, then the wife of him that is slayne shall haue an action of appeale against the murderer, but if he haue no wife, then his next heire male shall haue the appeale at any time within a yere and a day after the deed. And also he that is so robbed, or maymed, shall haue his appeale, and if the defendant be acquitted, hee shall recouer damages against the appelloz and the abbets toz, and they shall haue the imprisonment of a yere, and shall make fine to the King. An appeal of mayhem is in manner but a trespass, for hee shall recouer but damages.

Appellant.

**A**ppellant is the plaintif in the appeal.

Ap-

48 Appellour. Appellour.

**A**ppellour oz Approuer, **A**ppellour ou approuer, is he who hath committed some felony which hee confesseth & now appealeth oz approueth, & is to say, accuseth others which were coadiutors oz helpers with him in dooing the same, oz other felonies, which thing hee will approue, and therfore is called in Latin Probatore.

est celsy que ad fait aucun felonie le quel confesse & a ore appeale, ou approue, cest adire, accuse auters que fueront coadiutors ou aiders oue luy en fesans de ceo, ou auters felonies, le quel chose il voile approuer, & par ceo est appel en Latin Probatore.

49 Appendant & Appurtenant. Appendant & Appurtenant.

**A**ppendant & Appurtenant, are things that by time of prescription haue belonged, appertained, & are ioyned to an other principall thing, by which they passe & goe as accessary to the same principall thing, by vertue of these wordes Pertinentijs: as landes, aduowsons, commons, piscaries, waies, courts, and diuers such like, to a mannoz house, office, oz such others.

**A**ppendant & Appurtenant, sont choses que per temps de prescription ont belong, appertaine, & sont ioynes al vn autre principal chose, ouesque que ils passent & va come accessarie al mesme principal chose, per vertue de ceux parolz Pertinentijs: come terre, aduowsons, commons, piscaries, chemins, courts, & diuers tiels semblables, al vn maner, maison, office, ou tiels auters.

50 Apporcionment. Apporcionment.

**A**pporcionment is a diuiding into parts of a rent (which is diuideable & nat intier oz whole) and sozasmuch as & thing out

**A**pporcionmēt est vn diuiding en parties de vn rent (le quel est deuideable & nient intier ou whole) & entant q̄le chose hors

D

de



## The Exposition of

de quel il suit destte pay, of which it was to be pay-  
est leperate & deuide, le ed, is seperated & diuided,  
rent auxy terra deuide, the rent also shall be deu-  
ayant respect a les partes. ded, having respect to the  
Sicome vn home ad vn parts. As if a man haue a  
rent seruice issuat hors de rent seruice issuing out of  
terres, & il purchase parcel lād, & he purchaseth par-  
de le terre, le rent terra ap- cell of the land, & rent shall  
porcion, accordant al va- be apporcioned, accordyng  
lue del terre. to the valug of the land.

Item si home tient son So if a man hoide his  
terre dun autre y homage, land of another by ho-  
fealtie, escuage, & certaine mage, fealtie, escuage, and  
rent, si le Seignior de que certain rent, if the Lord of  
le terre est tenuis purchase & hom the land is holden,  
parcel del terre le rent ser- purchase parcel of & land  
ra apporcion. & rent shall be apporcioned.

Item si home lesea ter- Also if a man let lands  
res pur ans reseruant rent for yeares reseruing rent,  
& apres vn estrange reco- & after a stranger recou-  
uer part de le terre, don- rete part of the land, then  
ques le rent terra apporti- the rent shall be appor-  
on, cest adire deuide, & le tioned, that is to say, deuided,  
lessee payera ayant respect & the lessee shall pay having  
a ceo que est recouer, & a respect to that which is re-  
ceo q̄ere remaine en ses couered, and to that which  
maines accordāt al value. yet remains in his hands

Mes vn rent charge ne accordyng to the value.  
poit estre apporcion ne But a rent charge can-  
choles que sont entier: Si not be apporcioned, nor  
come vn tient terres per things & are entire: As if  
seruice de payer a son one hold lande by seruice  
Seignior annuelment a tiel to pay to his Lord yeare-  
feast, vn chiuale, esperuer, ly at such a feast, a Horse,  
vn rose, vn chery ou tiels a Hauke, a Rose, a Chery,  
semblables, la si le Seign or such like, there if the L.  
pays

purchase parcel of the lād, this seruice is gone altogether, because a Horse, a Hauke, a Ose, a A herie, and such other cannot be diuided, lettered, oz appor- tioned, without hurt to the whole.

51 Appropriations.

Appropriat.ōs were whē those houses of the Ro- mish Religion, and those Religious persons, as Abbots, Priors, and such like, had the aduowson of any Parsonage to them & to their successors, & obtai- ned licence of their holy Father the Pope, and of the Ordinarie and King, that they themselves, and their successors from thence forth should be Parsons there, and that it shall be from thenceforth a Vicar- age, and that the Vicar shall serue the cure. And so at the beginning appo- priations were made one- ly to those persons spiri- tuall that could minister the Sacraments, and say diuine seruice, as Abbots, Priors, Deanes, and such like. After by little & little they were enlarged and

purchase parcel de la terre cest seruice est tout ale, pur ceo que vn chiuai, esper- uer, rose, ou vn cherie, & tielx auters ne soient estre deuide, seuered, ou appor- tion, sans damage al en- tierrie.

Appropriation.

Appropriations fueront quant ceux mealons de le Romish Religion, & ceux Religious persons, come Abbots, Priors, & tielx semblables, auoient le aduowson de ascun Par- sonage al eux & a leur suc- cessours, & obtaine li- cence de leur S. Pere le Pape, & de le Ordinarie & Roy, que ilz mesmes & leur successors de ceo en auant doient estre Parsons la, & il terra en auant vn Vicarage, & que le Vicar seruera le cure. Et issint al commencement Ap- propriations fueront faits solement a ceux persons spirituels, que pouisoient minister les Sacraments, & dire diuine Seruice, come Abbes, Priors, Dea- nes, & tielx semblables. Apres per petite & pe- tite ils fueront enlarge &

## The Exposition of

fait as auters, come nos-  
memét al Deane & Chap-  
ter, quel est corps corpo-  
rat, consisting de plusieurs,  
quel corps ensemble ne  
pouvoit dire diuine seruice,  
& que puis fuit, al Nuns  
que fueront Prioresses de  
algun Nunrie, quel fuit  
chose horrible, entant que  
ils ne pouvoient minister  
Sacraments ne preache, ne  
dire diuine seruice al paro-  
chians.

Et tout ceo fuit sur pre-  
tence de hospitalite &  
maintenance de ycel. Et  
de supplier cel defectes  
vn Vicar fuit deuise, quel  
ferroit deputie al Prioress,  
ou Deane & Chapter, &  
auxy al darreine al dit Ab-  
bes, & auters a dire di-  
uine seruice, & il aueroit  
pur son labour forsque pe-  
tite portion, & ils a quel  
le appropriations fueront  
fait reteniront le grand  
reuenues, & ils fesoient  
riens pur ceo, per meanes  
de quel hospitalite decaie  
en le lieu ou il doit estre  
chiefement garde, nosme-  
ment en le Parish ou le  
benefice fuit, & ou les

made to other, as namely  
to a Deane and Chapter,  
which is a bodie corporat,  
consisting of many, which  
bodie together could not  
say diuine seruice, & that  
more was, to Nunns that  
were Prioresses to some  
Nunry, which was a  
wicked thing, insomuch  
as they could neither mi-  
nister Sacraments nor  
preach, nor say diuine ser-  
uice to the parishioners.

And all this was vpon  
pretence of hospitalite &  
maintenance thereof. And  
to supplie these defects a  
Vicar was deuised, who  
should be Deputie to the  
Prioress, or to the Deane  
and Chapter, & also at the  
last to the said Abbots, &  
others to say diuine ser-  
uice, & should haue for his  
labour but a little portion, &  
they to whom the appropri-  
ations were made should  
retaine þ greater reuenues,  
& they did nothing for  
it, by meanes whereof hos-  
pitality decayed in þ place  
where it ought to haue bin  
chiefly maintained, name-  
ly in the parish where the  
benefice was, & where the

pro

profits did grow, and so it continued to this day, to the great hinderance of learning, to the impoverishment of the ministry, and to the infamie of the Gospell, and professors thereof.

profits cressoient, & issint il continue tanque a cest iour, al grand hinderance de erudition, al impoverishment de le Ministerie, & le infamie de le Gospell, & le professours de ycel.

The Vicar shall haue a certaine portion of the benefice, and the Abbot and the Couent shall be Parsons, & shall haue the other profits: This is called appropriation, & then the Abbot and Couent shall be Parsons imparsones. But such appropriation may not be made to begin in the life of the Parson without his assent.

Le Vicar auera vn certaine portion del benefice, & que le Abbe & le Couent seront Parsons, & aueront les autres profits: Cest appelle vn appropriation, & donques le Abbe & le Couent seront Parsons imparsones: Mes tel appropriation ne poit estre fait a commencer en le vie le Parson sans son assent.

But if such aduowsons of the Parsonage be recovered by ancient title, then the appropriation is aduulled. And it is called Appropriation, for that they hold the profits to their owne proper vse.

Mes si tel Aduowson del parsonage soit recouer per auncient title, donques l'appropriation est aduulle. Et est appel Appropriation, pur ceo que ils teigne les profits al leur proper vse.

52 Approuement.

Approuement.

Approuement, is where a man hath common in the Lords wast ground, and the Lord incloseth part of the wast for himselfe, leauing neuer the less

Approuement, est lou vn home ad comon en le wast terre del Seignior, & le seignior enclose part del wast terz pur luy mesme, relinquant nient obstant

## The Exposition of

sufficient common oue sufficient common with  
egresse & regresse pur les egresses & regresses for the  
commoners: Cest enclousure commoners: This inclo-  
sure est appel approuemēt. sing is called approuemēt.

### 33 Arbitrement.

**A**Rbitrement, est vn a-  
ward, determination,  
ou iudgement, quel vn ou  
plusours font al request de  
deux parties al meines,  
pur, & sur as. un dette, tres-  
passe, ou autre con iouer-  
sie ew perenter les dits  
parties. Et cest appel en  
Latin Arbitratus, & Arbi-  
trium, & ils que font le  
award ou arbitrement sont  
appel Arbitri, en Anglois  
Arbitrators.

### 34 Arrest.

**A**Rrest, est quant vn est  
pris & restraîne a son  
libertie. Nul serra arrest  
pur det, trespasse, detinue,  
ou autre cause de action,  
mes per vertue dun pre-  
cept, ou commandement  
hors de aucun court. Mes  
pur Treason, Felonie, ou  
debrufer del peace, che-  
cun home ad auctorite  
de arrester sans gar-  
rantie ou precept. Et lou  
vn serra arrest pur se'eny,  
il couient que aucun felo-

### Arbitrement.

**A**Rbitrement, is an a-  
ward, determination,  
or iudgement, which one  
or moe maketh at the re-  
quest of two parties at  
least, for, & vpon some debt,  
trespass, or other contro-  
uersie had betwene & said  
parties. And this is cal-  
led in Latin Arbitratus &  
Arbitrium, and they that  
make the award or arbi-  
trement are called Arbitri,  
in English Arbitrators.

### Arrest.

**A**Rrest, is when one is  
take & restrained from  
his libertie. None shall be  
arrested for dette, trespass,  
detinue, or other cause of  
action, but by vertue of a  
precept, or commandment  
out of some court. But for  
Treason, felonie, or breas-  
king of & peace, euery man  
hath authoritie to arrest  
wout warrant or precept.  
And where one shall be  
arrested for felonie, it be-  
cometh that some felo-

nie bee done, and that hee  
be suspected of the same felo-  
nie, or other wise he may  
haue agaynst him that so  
did arrest him, a writ of  
false imprisonment. And  
when any man shall bee  
arrested for Felonie, hee  
shal be brought to h gaile,  
there to abide vntill the  
next Sessions for to bee  
indicted, or for to be deli-  
uered by proclamation.

55 Arrerages.

**A**RRERAGES are duties be-  
hind vn paid after the  
daies and times in which  
they were due, and ought  
to haue bin paid whether  
they be rent of a manor or  
any other thing reserved.

56 Assets.

**A**SSETS is in two sortes,  
the one called (assets per  
discent) the other (assets  
enter maines.) Assets per  
discent is where a man is  
bound in an obligation, &  
byeth seised of lands in fee  
simple, which descend to  
his heire, then his land  
shal be called assets, that is  
to say, enough or sufficient  
to pay the same debt, & by  
that meanes the heire shal  
be charged as farre as the

nie soit fait, & que il soit  
suspèct de mesme le felo-  
nie, ou autrement il poit  
auoir enuers luy que issint  
luy aneest vn briefe de  
faux imprisonment. Et  
quunt aucun home est ar-  
rest par Felonie, il terra a-  
mesme a le gaile, la a de-  
murer tanque al prochain  
Session pur este indicté, ou  
pur este deliuer per pro. la-  
mation.

Arrerages.

**A**RRERAGES sôt duties ar-  
rere nient pay apres le  
iours & temps, en quel ils  
fueront dues, & doyent au-  
er estre paies, soyent ils  
rent de mannor, ou aucun  
auter chose reservee.

Assets.

**A**SSETS est en deux sortes  
lun appel ( Assets per  
discent ) lautre ( Assets en-  
ter maines ) Assets per  
discent est lou vn home  
est oblige, en vn obliga-  
tion & morust leisy de ter-  
res de fee simple, queux  
descende a son heire, don-  
ques cest terre sera appel  
assets, cest adire sufficient  
de payer cest dette & per  
cest meanes le heire ser-  
ra charge cy auant que le

Diiij.

terre

## The Exposition of

terre issint a luy discende  
voyle stretch, mes sil ad  
alien deuaunt que le obli-  
gation soit mise en suite, il  
est discharge.

Auxy quauant vn home  
seisi de terre en taylor, ou  
en droit de son feme, ali-  
en ceo oue garrantie &  
ad en value taunt terre en  
feesimple, que discende a  
son heire, q est auxy heire  
en taile ou heire al feme;  
Ore si le heire apres le  
mort son ancestor port vn  
briefe de Formedon ou  
sur cui in vita, pur lettre  
issint alien, dōques il serra  
barre per reason dun gar-  
ranty & le terre issint dis-  
cend que est tant en value  
come ceo q fut vende, &  
issint per ceo il nad receiue  
ascun preiudice, & pur ceo  
cest terre est appel Assets  
per descent.

Assets enter mains est  
quauant vn home ender,  
come deuant est dit, fait  
executors & relinquish a  
eux suffic<sup>r</sup> de payer, ou as-  
cun commodity ou profit  
est venus al eux en droit  
leur testatour, cest appel  
Assets en leur mains.

land so to him descended  
will stretch. But if hee  
haue aliened before the  
obligation bee put in suite  
he is discharged.

Also when a man seised  
of lands in taylor, or in the  
right of his wife alieneth  
the same with warrantie,  
& hath in value as much  
lands in fee simple, which  
descendeth to his heire, who  
is also heire in taile or heire  
to the woman: Now if the  
heire after the decease of  
his ancestor bring a writ  
of Formedon or sur cui in  
vita, for the land so aliened,  
then he shal bee barred by  
reason of the warrantie  
and the land so descended,  
which is as much in va-  
lue as that was sold, & so  
therby he hath receiued no  
preiudice, & therefore this  
land is caled Assets per dis-  
cent.

Assets enter maines, is  
when a man indebted, as  
before is said, maketh ex-  
ecutors, & leaueth to them  
sufficient to pay, or some  
commodity or profit is come  
vnto the in right of their  
testatour, this is said As-  
sets in their hands.

57 Assignee.

Assignee, is hee to whom a thing is appointed or assigned to bee occupied, paid or done, & is alwayes such a person which occupieth or hath þ thing so assigned in his own right, & for himselfe: & of assignees ther be two sorts, namely, Assignee in deed & assignee in law. Assignee in deed is when a Lease is granted to a mā & to his assignes or without those wordes, assignes, and the grauntee giueth, granteth or selleth þ same lease to another, he is his Assignee in deed. Assignee in law is euery executor named by þ testator in his testamēt. As if a lease be made to a man and to his assignes (as is aforesaid) & he maketh his executors, and dieth without assignment of the lease to any other. Now the executors shal haue the same lease, because they are his assignes in law. And so it is in other cases.

58 Assise.

Assise, is a writ and it lieth where any man is put out of his landes or

Assignee.

Assignee est celuy a que vn chose est appoint, ou assigne destee occupie, pay ou fait, & est toutes foits tiel person, que occupy ou ad le chose issint assigne en son droit demesne & pur luy mesme: Et de Assignees il y sont ij. sorts, nolsment, Assignee en fait, & Assignee en ley. Assignee en fait est quant vn Leas est graunt al vn & a les Assignees ou sans ceux pols, Assignees, & le grauntee done, graunt ou vende le dit Leas al autre, il est son Assignee en fait. Assignee en ley est chescun executor nolsme per le testateur en son testament: si come vn Leas soit fait al vn home & a les Assignees (si come est auant dit) & il fait ses executors & morust sans assignmēt del Leas al aucun aut, Ore les executors aua mē le Leas pur ceo q̄ ils sont les Assignees en ley. Et issint est en autres semblables cases.

Assise.

Assise est vn brieve & gift ou aucun home est mis hors de son terre ou tene-



### The Exposition of

tenements ou de aucun profit  
aprenderen certain lieu,  
& issi il disseisi de son frak-  
tenement. Franktenement  
a aucun home est lou il est  
seisi de terres ou tene-  
ments ou profit a prender  
in fee simple, fee taile, pur  
terme de son vie demesne,  
ou pur terme d'auter vie.  
Mes ternaunt per Elegit,  
tenaunt per Statute Mar-  
chant & Statute Staple poi-  
ent auer assise, conēt q̄ ils  
noat franktenement, & cest  
est ordayne per diuers sta-  
tures.

Auxy en Assise il coui-  
ent tous foits que il soit  
vn disseisor & ternaunt, ou  
auterment le brieve aba-  
tera.

Auxy ou vn home est  
disseise & recouera per as-  
sise de nouel disseisin, &  
puis est auterfoits disseisi  
per mesme le disseisor, il  
auera vers luy vn brieve  
de redisseisin directe al vi-  
count de fayre inquisition,  
& si troue soit le redis-  
seisin, il sera mis en pri-  
son. Auxy si home reco-  
uera per Assise de Mort-  
dauncester ou per auter  
Iurie, ou per default ou

tenements, or of any pro-  
fit to be taken in a certain  
place, and so disseised of  
his freehold. Freehold to  
any man is where hee is  
seised of lands and tene-  
ments or profit to be takē  
in fee simple, fee taile, for  
terme of his owne life, or  
for terme of another mā's  
life. But the tenant by Ele-  
git, tenant by Statute  
marchant & Statute Staple  
may haue assise, howbeit  
that they haue no freehold  
and this is ordeined by  
diuers statutes.

Also in an Assise it is  
needful alwaies that there  
be one disseisor and one te-  
nant, or otherwisethe writ  
shall abate.

Also where a mā is dis-  
seised & recouereth by assise  
of nouel disseisin & after-  
ward is again disseised by  
the same disseisor, hee shall  
haue against him a writ of  
redisseisin directed to the  
Sheriffe to make inquisi-  
tion, & if the redisseisin be  
found, he shall bee sent to  
prison. Also if one recouer  
by assise of Mort, or by o-  
ther Jury or default or by  
reda

reddition, and if hee be an other time disseised, then he shal haue a writ of Post disseisin, & he which is taken & imprisoned for redisseisin, shal not be deliuered without special comendement of the King. See the statutes thereof. Merton cap. 2. Marlebrid. e cap. 8. and Westminster 2. ca. 26. There is also an other assise called Assise of fresh force, & lyeth where a man is disseised of tenements which are deuifable, as in the Citie of London, or other boroughs or towne that be franchises, then the defendant shall come into the Court of the said towne, & enter his plaint, and shall haue a writ directed to the Mayor, or Baptyfes, &c. and thereupon shall passe a Turie, in maner of Assise of nouel disseisin. But it behoueth that he do enter his plaint within forty dayes, as it is said, or otherwise, hee shal be sent to the common law. And if the Officers delay the execution, then the plaintife shall haue an other writ to haue execu-

reddition, & sil soit autrefois disseise, il auera donques vn brieve de Post disseisin, & cestuy que est pris & imprison pur redisseisin, ne sera deliuer sans especial commandement le Roy. Vide les statutes inde Merton cap. 2. Marlebridge cap. 8. et Westminster 2. cap. 26. Aury il est vn autre Assise appel Assise de Fresh force, & gist lou home est disseise de tenements queux sont deuifables, come en le Citie de Loundres, ou autre Boroughes, ou villes, que sont Enfranchises, donques le defendant viendra en le Court de dit ville, & entra son plaint, & auera vn brieve direct al Mayor, ou Baptyfes, &c. & sur ceo passera vn lurie, en maner de Assise de Nouel disseisin. Mes il couient que il enter son plaint deins quadragint iours, vt dicitur, ou autrement il sera misse a le common ley. Et si les ministers delaye executions, donques le plaintife auera vn autre brieve dauer execution,

# The Exposition of

tion, Et Sicut alias, & vn Pluries &c. Vide *Lit. eton* cap. Rents, Affise est nōme equiuocum &c.

59 Affise de Darreine presentment.

**A**ffise de Darreine presentment, vide de ceo apres tit<sup>r</sup> Quare impedit.

60 Affise de Mordauncester.

**A**ffise de Mordauncester, vide de ceo apres titulo Cofinage.

61 Attainder.

**A**ttainder, est vn conuiction dascū person, dun crime ou fault, dont il ne fut conuict deuant, sicome vn home fait felonie, treason, ou tiel semblables, & de ceo est endictē, arraign, & troue guilty & ad iudgement, donques il est dit deſte attain, & ceo poit este deux voies, lon sur apparance, le auter sur default: le attainder sur apparance est per confession, bataille, ou verdict, le attainder sur default est per proces tanque il soit vilage.

62 Attaint.

**A**ttaine, est vn briefe, & gillou faux verdict

tion, And a Sicut alias, & a Pluries &c. See *Lit. cap. Rents*, Affise is a word of two significations, &c.

Affise de Darreine presentment.

**A**ffise de Darreine presentment, loke thereof in the title Quare impedit.

Affise de Mordauncester.

**A**ffise de Mordauncester, loke thereof in the title Cofinage.

Attainder.

**A**ttainder, is a conuiction of any person of a crime or fault, whereof he was not conuict before, as if a man haue committed felonie, treason, or such like, & thereof is indicted, arraigned, & found guilty, & hath iudgement, then he is said to be attained, and this may be two waies, the one by apparance, the other by default: the attainder by apparance is by confession, bataille, or verdict, the attainder by default is by proces untill he be outlawed.

Attaint.

**A**ttaine, is a writ, & lyeth where false verdict

is giuen by the xiiij. men, & est done per xij. homes, & iudgement giuen thereon, iudgement done sur ceo, that the partie against donques le partie vers whom they haue passed, ils auoyent passe auera cest shall haue a writt against briefe vers les douze hōes, the twelve men, and when & quant ils sont a issue, il they be at issue it shall be sera trie per vint quater tried by 24. Jurors, and if Iurors, & si faux verdict the falsie verdit be found, soit trouue, les douze Iu- the twelve men be attaint, rours sont attaint, & don- and then the iudgement ques le iudgement terra que shall be, that their mea- leur prees seront ayres, dowses shall be eyzed, their leur measons destrues, houses broken down, their leur boyes subuerues, & woods turned vp, and all tous leurs terres & tene- their lands & tencements ments forsais al Roy, mes if it passe against him that si passa encounter celuy que port cest Attaint, il brought that attaint, hee sera imprison, & grie- shall be imprisoned, & grie- uousment ransome al vo- uously ransomed at the R. lunt le Roy. Vide le Sta- will. See the stat. 23. E. 8. tute 23. H. 8. cap. 3. Attaint cap. 3. Attaint also is whē auxy est quant iudgement iudgemēt is giuen in trea- est done en treason ou fe- son or felony.

63 Attournement.

**A**Tournement, is when one is tenant for terme of life, and he in reuerſion or remainder grāteth his right or estate to another, then it behoventh the tenā for terme of life to agree thereto, and this agreē- ment is called an Attourn-

Attournement.

**A**Tournement, est quant vn est tenant pur terme de vie, & cestuy en le reuerſion ou remaindēt granta son droit ou estate a vn autre, donques il couient que le tenant pur terme de vie agree a ceo, & cest agreemēt est appel attournement,

### The exposition of

ment, car si cestuy en le reuerſion graunt ſon eſtate & ſon droit a vn auter, ſi le tenant pur terme de vie ne attourna, riens paſſe per le graunt.

Mes ſil ſoit graunt per ſine in Court de Record, il ſerra compell' de attourner. Et vide de ceo apres titulo *Quid iuris clamar*. Vide pluſ de ceo en *List. lib. 3. cap. 10.*

#### 64 Audita querela.

**A**Vdita querela, eſt vn briefe, & giſt lou vn eſt oblige en vn eſtatute Marchant, eſtatute Staple, ou recogniſans, ou lou iudgement eſt done vers luy pur dette, & ſon corps en execution ſur ceo, donques ſil ad vn releas, ou auter ſufficient matter deſte diſcharge de l'execution, mes nad iour de ceo pleder, donqs il auera ceſt briefe vers ceſtuy que ad recorder, ou vers ſes executors.

#### 65 Auerment.

**A**Verment, eſt lou vn home plede vn plee en

ment, for if he in the reuerſion graunt his eſtate and his right to an other, if the tenant for terme of life attourne not, nothing paſſeth by the graunt.

But if it be graunted by ſine in court of Record, he ſhall be compelled to attourne. And loke thereof after in the title *Quid iuris clamar*. I like moze of this title in *List. lib. 3. c. 10*

#### Audita querela.

**A**Vdita querela, is a writ and it lieth wher one is bound in a Statute marchant, statute staple, or Recogniſance, or wher iudgemēt is giuen againſt him for debt, and his body in execution thereupon, then if he haue a releas, or other matter ſufficient to be diſcharged of execution, but hath no day in Court there to plead it, then he ſhall haue this writ againſt him which hath recovered, or againſt his executors.

#### Auerment.

**A**Verment, is where a man pleadeth a plee in abate

abatement of the writ or  
barre of the action, which  
he saith he is ready to  
proue as the Court will  
award, this offer to proue  
his ple is called an Auer-  
ment.

65 Auerpeny.  
A Verpeny, that is to be  
quit of diuers summes  
of money for the Kinges  
auerages.

abatement de briefe ou  
barre d'action, quel il dist,  
il est prest de prouer come  
le Court voit agarde, cest  
offer de prouer son plee  
est appelle vn Auerment.

Auerpeny.  
A Verpeny, hoc est quietū  
esse de diuersis denarijs  
pro aueragijs domini Re-  
gis.

66 Auncient demesne.  
A Vncient demesne are  
certain tenures holden  
of those Manors that  
were in the hands of S.  
Edward the Confessor,  
and the which he made to  
be writen in a booke cal-  
led Domes day, sub titulo  
Regis, and all the lands  
holden of þe said Manors  
be auncient demesne, and  
the tenants shali not be  
impleaded out of the said  
Manors, and if they be,  
they may shew the matter  
and abate the writ: but if  
they answer to the writ,  
and iudgement be giuen,  
then the landes become  
franke fee for euer. Also þe  
tenants in auncient de-  
mesne, be free of tole for al

Auncien demesne.  
AVncien demesne sont  
certain tenures ten<sup>r</sup> de  
ceux Manors queux fue-  
ront en maines de S. Edw.  
le Confessor, & les queux  
il hnt escrier en valieur ap-  
pelle Domes day, sub ti-  
tulo Regis, & tous les  
terres ten<sup>r</sup> del dit Manors  
sont auncien demesne, & les  
tenants ne seront implede  
hors del dit Manors, & s'ils  
soient, ils poient monstre  
le matter & abater le  
briefe, mes s'ils respond'al  
briefe & plede, & iudgeme  
done donq's lez terres sont  
deuenus franke fee a tous  
iourz. Auxy toutz tenantz  
en auncien demesne sont  
franke de tolle, pur toutz  
choies

## The Exposition of

choſes concernant leur things concerning their  
viand & hulbandry en ſuſtenance and hulbandry  
auncien demefne, & pur in auncient demefne, and  
riels terres ils ne ſerront for ſuch landes they ſhall  
mis ne empanel ſur aucun not bee put or impanelled  
enqueſt. Mes tous les ter- vpon any inqueſt. But all  
res en auncien demefne the landes in auncient de-  
queux ſont en maines le meſne, & are in the Kings  
Roy, ſont frank fee & ple- hands, be franke fee and  
dable al common Ley. pleadable at the Common  
Veies plus apres en le title Law. See more after in  
Sokmans. the title Sokmans.

68

Auowrie.

Auowrie.

**A**Vowrie eſt lou vn priſt taketh a diſtreſſe for  
diſtreſſe pur rent ou au- rent or other thing, & the  
ter choſe, & l'auter ſua Re- other ſueth repleuin, then  
pleuin, donques celuy que he that hath taken it ſhal  
auoit ceo priſe iuſtifiera en iuſtie in his Plee, for  
ſon plee, pur quel cauſe il what cauſe he took it, and  
priſt ceo, & ſi il priſt ceo if hee took it in his owne  
en ſon droit demefne il right hee ought to ſhewe  
doit ceo monſtre, & iſſint that, and ſo auow the ta-  
auowa le priſel & ceo eſt king, & that is called his  
appel ſon auowrie. Mes ſil auowry; but if he took that  
ceo priſt en ou pur le droit in or for the right of ano-  
de vn auter, donques quāt ther, then when hee hath  
il auoit monſtre le cauſe, ſhewed the cauſe, hee ſhall  
il ferra conſuſance del pri- make conſuſance of the ta-  
ſel, come bailie ou ſeruant king, as bailie or ſervant  
a celuy en que droit il to him in whoſe right hee  
priſt ceo. did take it.

69 Baile

B.

B.

69

*Baile.*

*Baile.*

**B**Ayle, is when a man is taken or arrested for felonie, suspicion of felonie, indicted of felonie, or any such case, so that he is restrained of his libertie. And being by law bayleable, offereth suertie to those which haue authoritie to bayle him, which suerties are bound for him to the Kings use in a certaine summe of money, or bodie for bodie, that he shall appeare before the Just. of Gaole deliuerie at the next Sessions &c. Then vpon the bonds of these suerties as is aforesaid, hee is bayled, that is to say, set at libertie vntill the day appointed for his appareance.

**B**Ayle, est quant vn homme est prise ou arrest pur felonie, suspicion de felonie, indiète de felonie, ou ascun riel case, issint que il est restrayne de son libertie. Et esteant per le ley baylable, offereth suertie al eux que ont authoritie de luy bayler, queux suerties, sont obliges pur luy al vse le Roy en certaine somme dargẽt, ou corps pur corps, que il appearera deuant les Iustices de Gaole deliuerie al procheine Sessions &c. Donques sur les bonds de ceux suerties, come est auãrdit, il est bayle, cest adicẽ mis al libertie tanq le iour appoynt pur son appareãce.

70

*Bailement.*

*Bailement.*

**B**Aylement, is a deliuerie of thingis whether it be of writings, goods, or stufte, to an other, sometimes to be deliuered back to the bailor, that is to say,

**B**Aylement, est vn deliuerie de choses, soyent ils de escripts, biens ou stufte al auter, ascun foyts destre redeliuerer al baylor, cest adyre

E

al



# The exposition of

al celuy que issint deliuer  
ceo, aucun foirs al vse del  
baylee, cest adire, de luy  
a que il est deliuer, & aucun  
toits auxy il est deliuer a  
vn tierce person, cest deli  
uerie est appel vn bayle  
ment.

to him that so deliuered it,  
sometimes to the vse of the  
bailee, that is to say of him  
to whom it is deliuered, &  
sometimes also it is deli  
uered to a third person,  
this deliuerie is called a  
bailment.

71 Baylife.  
B Ailife est vn Officer que  
appertient a vn mannor  
pur order le husbandrie, &  
ad auctoritie de payer  
quite rents issuant hors del  
manor, succider arbres,  
repayre les measons, faire  
pales, haies, distraire auers  
da mage fesant sur le terre,  
& diuers tiels sembla  
bles.

Cest officer est celuy que  
les auncient Saxons ount  
appel vn Reeue, car le nos  
me Bailife ne fuit donques.  
conus enter eux, mes vient  
cins oue les Normans, &  
est appel en Latine Villi  
cus.

Baylife.  
B Aylife, is an officer that  
belongeth to a mannor,  
to order the husbandrie,  
and hath authoritie to pay  
quite rents issuing out of  
the manor, fell trees, re  
paire houses, make pales,  
hedges, distraine beastes  
doeing hurt vpon the  
grounde, and diuers such  
like.

This officer is he who  
the auncient Saxons cal  
led a Reeue, for the name  
Bailife was not yet kno  
wen amongst them, but  
came in with the Nor  
mans, and is called in La  
tine Villicus.

72 Backberind theefe.  
Backberind theefe, est vn  
laron que est prise oue le  
maner, cest adire, aiant ceo  
trouue sur luy (esteat pursue

Backberind theefe.  
Backberind theefe, is a  
theefe that is taken  
with the manner, that is to  
say, hauing that found vpon  
him (being followed  
with

with  
which  
wheth  
men, &  
but i  
said, &  
rying  
hath  
or far  
73 B  
B Ar  
a r  
by bo  
barge  
and s  
ther  
land  
for th  
ney i  
other  
is a  
gaine  
seth  
both  
to h  
to hi  
a ba  
may  
of se  
late  
scale  
the c  
pett  
cour  
min

with the hue and crie) which hee hath stollen, whether it be money, linnen, wollen, oz other stufte: but it is most properly said, whē he is taken carrying those things that he hath stollen in a bundell oz fardell on his backe.

oue le hue & crie) le quel il ad emblee, soit il money, linnen, wollen, ou autre stufte: mes il est plus proprement dit, quant il est prise portant tielx choses que il ad emblee en vn bundel ou fardel sur son dorse.

73 Bargaine and sale.

BArgain and sale is whē a recompence is giuen by both the parties to the bargain: as if one bargain and sell his land to an other for money, here the land is a recompence to him for the money, & the money is a recompence to the other for the land, and this is a good contract & bargain, and fee simple passeth notwithstanding hee doth not say to haue and to hold the land to him & to his heires. And by such a bargain and sale lands may passe without liuerie of seisin, if the bargain & sale be by deed indented, sealed & inrolled, either in the county where the land lyeth, oz in one of the Courts of recozd at Westminster, within vij. moneths

Bargaine & sale.

BArgaine & sale est quant vn recompence est done per ambideux les parties al bargain: come si vn bargain & vend son terre al autre pur argent, icy le terre est vn recompence a luy pur le argent, & l'argent est vn recompence al autre pur le terre, & ceo est vn bone contract & bargain, & fee simple passa nient obstant il ne dit a auer & tener le fre a luy & a ses heires. Et per tiel bargain & sale terres poient passe sans liuerie de seisin, sile bargain & sale soit per fait endent, seale & enrolle, ou en le Countie ou le terre gift, ou en vn des Courts del Roy de Record al Westminster deins sixe mois  
E. ij. pro-

The Exposition of

prochein apres le date de  
mesme le escript endent,  
accordant al statute en ceo  
case fait en le 27. añ de H.  
8. cap. 16.

next after the date of the  
same writing indented ac-  
cording to the Statute in  
that behalfe made in the  
27. yeare of H. 8. cap. 16.

74 Barre.

**B**Arre, est quant le defen-  
daunt en aucun action  
plede vn plea que est vn  
sufficient respons, & c: o  
adnul le action del plain-  
tife a tout iours.

Barre.

**B**Arre, is when the de-  
fendant in any action  
pleadeth a plea which is a  
sufficient answere, and  
that descoyeth the action  
of the plaintiff for ever.

75 Base fee.

**T**ener en Fee base, est a  
tener a volunt le Seig-  
niour.

Base fee.

**T**o hold in Fee base, is  
to hold at the will of  
the Lord.

76 Bastard.

**B**Astard, est ce'uy que est  
nee de aucun feme nient  
espouse, issint que son pere  
nest conus per le order del  
ley, & pur ceo il est dit fili-  
us populi.

Bastard.

**B**Astard, is hee that is  
borne of any woman  
not married, so that his  
father is not knowen by  
the order of the law, and  
therefore he is called the  
childe of the people.

Mes per la ley del Ro-  
mish Esghise, si vn engen-  
der vn enfant sur aucun  
feme, quel enfant est nee  
hors del espouselz, & puis  
il spouse mesme la feme,  
donques tiel enfant serra  
dit Mulier, & nemy ba-  
stard.

But by the law of the  
Romish Church, if one  
get a childe vpon a wo-  
man, which child is borne  
out of wedlocke, and after  
he marrie the same wo-  
man, then such a child shal  
be said Mulier, and not  
bastard.

But

But by the law of Eng-  
land he is a Bastard, and  
for that cause when such  
special bastardie is allea-  
ged, it shall be tried by the  
Countrie, and not by the  
Bishop. But generally  
bastardie alleged shall be  
tried by the Certificate of  
the Bishop.

And if a woman be great  
with child by her husband  
who dieth, and shee taketh  
an other husband, & after  
the childe is bozne, this  
childe shall be said the childe  
of the first husband. But  
if shee were priuily with  
childe at the tyme of the  
death of her first husband,  
then it shalbe said the childe  
of the second husband.  
But inquire farther and  
see the opinion of Thorpe  
2. E. 2. 39.

Also if a man take a wife  
which is great with child  
by an other that was not  
her husband, and after the  
childe is bozne within the  
espousels, then it shall be  
said the childe of the hus-  
band, though it were bozn  
but one day after the es-  
pousels solemnized.

Mes per la ley Dengle-  
terre il est bastard, & pur  
cest cause quant tel espe-  
cial bastardie est alleage,  
il serra trie per le pais, &  
nemy per Leuesque. Mes  
generalment bastardie al-  
leage serra trie per le cer-  
tificate del Euesque.

Et si vn feme soit grosse  
de enfant per son baron  
que moruitt, & el prist au-  
ter baron, & apres le en-  
fant est nec, cest enfant  
serra dit le enfant le pri-  
mer baron. Mes si el fuit  
priuemēt enseint al temps  
del mort sa primer baron,  
donques il serra dit le en-  
fant del second baron. Sed  
Quere & veies le opinion  
de Thorpe 21. E. 3. 39.

Auxy si vn home prent  
feme que soit grossement  
enseint per ascun auter que  
ne fuit son baron, & apres  
lenfant est nec deins les es-  
pousels, donques il serra  
dit lenfant le baron, mes-  
que il fuit nec forsque vn  
iour apres les espousels so-  
lemnize.

## The Exposition of

### 77 Battaile.

**B**Attaile, est vn auncient trial en nostre ley que le defendant en vn appeal de murder, robberie, ou felonie poit essier, cestascavoir, a combater oue lappellant, pur proosse sil soit culpable del felonie ou non: quel combate sil succede cibien del part le defendant que il vanquish lappellant, il alera quite, & luy barrera de son appeal a tous iours. Mes si vn soit indict de felonie, & vn appeale est port sur mesme le indictment, la le defendaunt ne gagera le battaile: Battaile auxy poit estre en vn brieve de Droit.

### Battaile.

**B**Attaile, is an auncient trial in our law, which the defendant in an appeal of murder, robberie, or felonie may chuse, that is to say, to fight with the appellant, for proosse whether he be culpable of the felonie or not: which combate, if it fall out so well on the part of the defendant that hee doth vanquish the appellant, he shal go quit, & barre him of his appeal for euer. But if one be indicted of felony, & an appeal is brought upon the same indictment, there the defendant shall not wage battaile: Battaile also may be in a writ of Right.

### 78 Bigamy.

**B**igamy, suit vn counterplea (deuised al Councell de Lions, sur mistike de second mariage) este obiect quante le prisoner demaunde le benefite del Clergie, cestascavoir, son liuer, come nossement a dire, que il que demaunde le priuiledge del Clergie, suit marrie a

### Bigamy.

**B**igamy, was a counterplea (deuised at the Councell of Lions, upon mistike of second mariage) to be obiected when the prisoner demaundeth the benefite of the Clergie, to wit, his book, as namely to say, that he which demaundeth the priuiledge of the clergy, was married to such  
a wife

a woman at such a place, within such a diocesse, and that she is dead, and that hee hath married another woman within the same diocesse or within some other dioces, and so is Bigamus. Or if hee haue bin but once married, then to say, that she whom he hath married, is or was a widow, that is to say, the left woman of such a one, &c. which thing shall be tryed by the Bishop of the dioces where the marriages are alleaged. And being so certified by the Bishop, the prisoner shall lose the benefit of the clergy: But at this day by force of the act made in An 1. C. 6. ca. 12. this is no ple, but that he may haue his Clergie that notwithstanding.

So is Brooke titulo Clergie placito 20. to the same purpose. And here upon if you be desirous to see what reason they haue that perswade against second marriages, reade among many others Francis Petrache of remedies for both fortunes, the first booke & lxxvj. Dialogue,

tiel feme, en tiel lieu, deins tiel dioces & que il est mort, & que il ad apres marrie vn autre feme deins mesme le diocesses ou deins aucun autre diocesses, & issint Bigamus. Ou sil nad este forsque vn temps marrie, donques adire que el que il espouse est, ou fut vn viefce, cest adire, le relicte dun tiel &c. Le quel chose serra trie per Leuesque de le Diocesse ou le espousals sont alleaged. Et esteant issint certifie per Leuesque, le prisoner perdera le benefict del Clergie: Mes al cest iour per force de le acte fait en An<sup>n</sup> primo Edw 6. cap. 12. cest nul plea, mes que il poer auer son Clergie ceo nient obstant.

Issint est Brooke titulo Clergie placito 20. al mesme purpose. Et sur ceo si vous estes desirous de veyer queux raisons ils ont que perswade enuers second espousals, lege en diuers autres Frances Petrache de remedijs vtriusque Fortunæ, le primer liuer & lxxvj. Dialogue,

The exposition of

intituled de secundis nup-  
tijs, quel liuer ore tarde  
Maister Thom Twine ad  
bien & oue bon grace (œ  
ils que poyent iudger di-  
ont) trāslate hors de Latin  
en Englois, & mult apmēt  
appell ceo Phylick encou-  
ter fortune.

intituled of second marri-  
age, which booke now of  
late Maister Thomas  
Twine hath very well, &  
with good grace (as they  
that can iudge do say) trā-  
slated out of Latin into  
English, and most aply  
called it Phylick against  
fortune.

79

*Bloodwit.*

**B**loodwit, hoc est quietū  
esse de amerciamentis  
de sanguine fuso, & que te-  
neantur placita in curia ve-  
stra, habebitis amerciameñ  
inde prouenientia, quia  
(wit) en Angloys est misē-  
ricordia en Latin.

*Bloodwit.*

**B**loodwit, that is, to bee  
quit of amerciaments  
for bloodshedding, and  
what pleas are holden in  
your court, you shall haue  
the amerciaments thereof  
comming, because (wit) in  
English, is misericordia  
in Latin.

80

*Boote.*

**B**Oot, est vn viel parol, &  
il signifie helpe, succour,  
ayde, ou aduantage, & est  
communement ioyne oue  
vn autre parol, que signifi-  
cation il augment, come  
ceux bridgeboote, burgh-  
boote, fireboote, hedge-  
boote, plowboote, & diūs  
rieulz semblables, pur queux  
significations, vcies en leur  
proper titles.

*Boote.*

**B**Oore, is an old word, &  
signifieth help, succour,  
ayde, or aduantage, and is  
commonly toynd with an  
other word, whose signifi-  
cation it doth augment, as  
these bridgeboote, burgh-  
boot, fireboot, hedgeboote,  
plowboot, and diuers o-  
thers such like, for whose  
significations look in their  
proper titles.

81 Brood-

81 *Broodhalpeny.*

*Broodhalpeny.*

**B**roodhalpeny, in some copies Broodhalbeny, that is to bee quit of a certayne custome, exacted for setting by of tables.

**B**roodhalpeny, en ascun copies Broodhalbeny, hoc est, quietum esse de quadam cōsuetudine exacta pro tabulis leuatis.

82 *Burgage.*

*Burgage.*

**T**o hold in Burgage, is to hold as if the Burgeis hold of the King, or of another Lord lands or tenements, yeelding to him a certayne rent by the pere, or els there wher another man then burgeis holdeih of any Lord lands or tenements in burgage, yeelding to him a certayne rent by pere.

**T**ener en Burgage, est a tener si comeles burgeis teignent de Roy, ou de aul Seignior terres ou tenements rendāt a luy vn certain rent per an, ou autrement la ou vn aul home que Burgeis tient dascun Seignior terres ou tenements en Burgage rendant a luy vn certayne rent per an.

83 *Burghbote.*

*Burghbote.*

**B**urghbote, (and in some copies Bridgbote) that is to be quite of giuing aid to the repairing of bridges.

**B**urghbote (& en ascū copies Bridgbote) hoc est quietum esse de auxilio dando ad reficiendum pontes.

84 *Burghbote.*

*Burghbote.*

**B**urghbote, that is to bee quite of giuing ayde to make a Borough, Castell Citie, or walles throwne downe.

**B**urghbote, hoc est quietū esse de auxilio dando ad faciendum Burgum, Castrum, Ciuitatem vel muros prostrata.

85 *Burgh-*



The Exposition of

85 Burbreach.

**B**Vrghbreach, hoc ē quic-  
elle de transgressionibus  
factis in ciuitate vel Burgo  
contra pacem.

Burbreach.

**B**Vrghbreach, that is to  
be quit of trespasses doe  
in Citie or Bozough a-  
gainst the peace.

86 Burgh English.

**B**Vrgh English, ou Bo-  
rough English, est vn cu-  
stome en vn auintient Bo-  
rough, ou si vn home ad is-  
sue diūs fits & morust, vn-  
core le puitne fits solement  
inheritera, & auera tous  
les terres & tenemēts que  
fueront a son pere de que il  
morust seisiē deins mesme  
le burgh per ditcent, come  
heire a son pere, per force  
del custōe de mē le burgh.

Burgh English.

**B**Vrgh English, or Bo-  
rough English, is a cu-  
stome in some auintient bo-  
rough, that if a man haue  
issue diuers sonnes, & dy-  
eth, yet the yongest son on-  
ly shall inherite & haue all  
the lands & tenemēts that  
were his fathers, wherof  
he died seised within the  
same bozough by discent,  
as heire to his father by  
force of the custome of the  
same bozough.

87 Burglarie.

**B**Vrglarie, est quauit vn  
detruse & enter en le  
meason dun auter en le  
nuit, oue felonious intent,  
de robber ou occider, ou  
de fayre auter felonie, en  
queux cases nient obstant  
il ne importe riens, vncore  
il est felonie, pur q̄ il serra  
pendue. Auterment est fil  
soit en le iour ou que il

Burglary.

**B**Vrglary, is when one  
breaketh, & entreth into  
the house of another in  
the night, with felonious  
intent to robbe or kill, or  
to doe some other felonie,  
in which cases although  
hee carry away nothing,  
yet it is felonie, for which  
hee shall suffer death. O-  
therwise it is, if it bee in  
the day time, or that hee  
breaks

breake the house in the night, and enter not there in at that time.

But if a servant will conspire with other men to rob his Master, & to that intent he openeth his Masters dozes and windows in the night for the, that they come into the house by that way, this is Burglarie in the strangers, and the servant is a theefe, but no Burglar. And this was the opinion of the right worshipfull Sir R. Manwood knight, most worthy Lord chiefe Baron of the Exchequer at the Quarter Sessions holden at Canterburie in January 1579. 21. Eliz.

debruse le meason en le nuit, & ne entra pas en ceo a cest temps.

Mes si vn seruant voile conspire oue auters de robber son Master, & a cel entent il ouer les dorez & fenestres de son Master en le nuit pur eux, & ils vient en le meason per cest voy, cest Burghlarie en les estraungers, & le seruant est vn laron, mes nemy vn Burglar. Et ceo fuit l'opinion de le right worshipfull Sir Rog. Manwood Chiualler, puis digne Seignior chiefe Baron de le Exchequer, a la quarter Sessions tenus en Canterburie en January 1579. 21. Eliz.

88 Capias.

Capias, loke for that aster in the title Proces.

89 Caruage.

Caruage, that is to bee quite if the King shall take al his land by carues. Note that a carue of land is a plowland.

Capias.

Capias, vide pur ceo aps en la title de Proces.

Caruage.

Caruage, hoc est, quietum esse si dñs Rex talliare sit totam terram suam per Caruas. Nota qd vn carue de terre est vn Plowland.

90 Certification of assise.

Certification of Assise of Nouel disseisin, is a

Certification in Assise.

Certificatio Assise Nouel disseisinz, est vn briefe,

## The Exposition of

briefe, & gist lou le haylife le tenant en Assise plede nul tort &c. & parde per lassise, donques si le tenant ad vn releafe ou auter escript a pleder, il auera cest briefe, & les primers Jurors serrôt garries d'ap- perer deuaunt les Iustices & parties auxy, donques si puit este troue que le releafe ou le elcripts sont voyer & bones, cestuy que recoueroit in lassise, rendra damages en double, & pardē la terre.

Writ, and lyeth where the Bailife of the tenant pleadeth no wrong, &c. & loseth by the assise, then if the tenant haue a releas or o- ther writting to plead, he shall haue this writ, and the first Jurors shall be warned to appeare before the Justices and the parties also: then if it may be found, that the releas or writtings are true & good, he that recovered in the Assise shall payde double damages, and shall lose the land.

### 91 Cerciorari.

Cerciorari, est vn briefe & gist lou vn est im- plede en vn base Court, que est de recorde, & il suppose que il ne poit auer equal justice la, donques sur vn bill en la Chauncerie comprisant ascun mat- ter en conscience, il auera cest briefe pur remouer tout le Record en la Chaun- cerie, & la destte determine per conscience, mes sil ne proua son bill, donques l'auter partie auera vn briefe de Procedendo a remaund' le record en la

### Cerciorari.

Cerciorari, is a writ and it lieth where one is im- pleded in a base court, that is of record, and he suppo- seth that he may not haue equall Justice there, then vpon a bil in the Chancery cōpyling some matter of conscience, he shall haue this writ to remoue all the Record into the Chancery, & there to be determined by cōscience, but if he proue not his bill, then the other partie shall haue a writ of Procedendo, to send a- gaine the Record into the base

base court, and there to be determined. And it lieth in many other cases, for to remoue recordes for the king, as indiments and other.

92 Cession.

Cession, is when an Ecclesiasticall person is created Bishop, or when a parson of a parsonage taketh an other benefice without dispensation or otherwise not qualified &c. In both cases their first benefices are become void, and be said to become void by cession: And to those that hee had who was created bishop, the king shall present for the time whosoever be patron of the. And in the other case the patron may present.

93 Cessavit.

Cessavit, is a writ, and it lyeth where any verie tenant which holdeth of me certaine lands and tenements, yielding certain rent by the year, & the rent is behind not paid by two years, and no sufficient distress may be found upon the land, then I shall recouer the land, but if the

base court, & la destre determine. Auxy il gist en plusieurs autres cases pour remouer Recordes pour le Roy, come Indiments & autres.

Cession.

Cession, est quant un Ecclesiastical pson. est cree Euesque, ou quant un parson dun parsonage priut un autre benefice sans dispensation ou autrement nient qualifie &c. En ambideux cases leur primer benefices sont deuenus void, & sont appelle destre void par cession. Et al ceux que il ad que tuit cree Euesque le Rey presentera pro illa vice, quicunque soit patron de eux. Et en l'autre case le patron poit presenter.

Cessavit.

Cessavit, est un briefe, & gist lou mon verie tenant que tient de moy certaine terres ou tenements rendant certain rent par an, & le rent est arere nient paye par deux ans, & nul sufficient distress poit estre trouue sur le terre, donques ieo auera cest briefe par que ieo recouera le terre, mes si le tenant

### The Exposition of

tenant vient en court deuant iudgement, & rend le arrerages, & les damages, & troue suertie que il ne cessera pluis enpaiment de dit rent, ieo serra compel de prender les arrerag & les damages, & donques le tenant ne perdera la terre. Auxy le heire ne poit mainteine cel brieve pur cesser fait en temps son auncester. Auxy cest brieve ne gist, mes pur annual seruice, come rent & huiusmodi, & nyent pas pur homage & fealtie.

Auxy il y ad auter brieve appel Cessauit de cantaria, & gist ou vn done terres a vn meason de Religion a troue pur lalme de luy & de ses auncesters, & de ses heyres annuellement vn chandel ou lampe en Eglise, ou pur faire ascun diuine seruice, ou de pasteur les pouers, ou autres almes, ou auter tiel chose faire, donque si les dits charges ne sont pas fait per deux ans, donque le donour ou ses heires auera cest brieve vers quecunque est eins apres tiel

tenant come into the court befoze iudgement giuen, and render the arrerages and damages, & find suertie, that he shall cease no moze in paymēt of the said rent, I shall be compelled to take the arrerages and the damages, and then the tenant shall not lose the land. Also the heire may not maintaine this writ for the cesser made in the time of his auncestors. Also this writ lieth not but for Annuell seruice, as rent and such other, and not for homage & fealtie.

Also there is an other writ called Cessauit de cantaria, and it lieth where a man giueth lād to a house of religion to find for his soule & of his auncesters, and his heires yearely a candle or Lampe in the Church, or to say any diuine seruice, or to feede the poore, or other almes, or some other thing to do, then if the said charge be not done in two yeares, then he donour or his heires shall haue this writ against whosoener holdeth the things giuen after such cessure

cessure. See the statute  
w.2. ca.41.

cesser. Vide lestatut. W.2.  
cap.41.

94 Challenge.

Challenge.

**C**hallenge, is where Ju-  
rors appeare to trie an  
issue, then if any of the  
parties suppose that they  
are not indifferent, they  
may there challenge & re-  
fuse them.

**C**hallenge est lou Jurors  
apperont pur trier vn  
issue, donques si ascun des  
parties supposent que ils  
ne sont pas indifferent, la  
ils poyent eux challenge &  
refuse.

There bee diuers chal-  
lenges, one is challenge to  
the array, the other to the  
polles.

Il ad estre diuers chal-  
lenges: vn est challenge  
al array, le autre est al  
polles.

Challenge to tharray, is  
when the panell is fauon-  
rably made by *h* Sherife,  
or other officer.

Challenge al array est  
quant la pane l est fauora-  
blement fait per le vic' ou au<sup>t</sup>  
officer.

Challenge by polles are  
some principall, and some  
by cause, as they call it.

Challége p les polles sont  
ascun principal, & ascun p  
cause, come ils appel cec.

Principall, is when one  
of the Jurors is the sonne  
brother, or cosin to *h* plain-  
tife or defendant, or tenant  
to him, or that hee hath es-  
poused the daughter of the  
plaintif, & for those causes  
he shalbe withdra<sup>w</sup>ne.

Principal est quat vn des  
Jurors est le firs, frere, ou  
cosin al plaintife ou defen-  
dant, ou tenant a luy, ou q  
il auoit espouse la fille le  
plaintif, & pur ceux causes  
il serra retrait.

Also in a plee of the  
death of a man, and in eue-  
ry action real, and in acti-  
ons personall, if the debt  
or damages amount to  
fortie markes, it is a good  
challenge that hee cannot

Auxy en plee de le mort  
de h<sup>o</sup>e, & en chescu action  
real, & en actions perso-  
nal, si le debt ou damages  
amount a xl. markes, il est  
bon challenge q il ne poyt  
dis-

### The Eposition of

dispender xl. shillings per  
an de frankrenement.

dispensd xl.s. by the pere of  
freehold.

Challenge per cause, est  
ou le partie allege vn mat-  
ter que nest principal chal-  
lenge: come que fits dun  
des Iurors espouse la fille le  
plaintife, & donques il cō-  
clude, & pur ceo il est fa-  
uorable, quel serra trie per  
autres del enquest si il soyt  
fauorable ou indifferent,  
& si ils dyont que il est fa-  
uorable, & nemy indiffe-  
rent, donques il serra treit,  
auterment il serra iure.

Challenge because, is  
where the partie doth al-  
ledge a matter which is  
no principall challenge: as  
that the sonne of one of the  
Iurozs hath espoused the  
daughter of the plaintife,  
and then he doth conclude,  
and therefore he is fauon-  
rable, & it shall be tried by  
others of the inquest, whe-  
ther he be fauorable oz in-  
different, and if they say  
that hee is fauorable, and  
not indifferent, then hee  
shalbe drawne out, other-  
wise he shalbe sworn.

Auxy vn felon que est  
arraign poit challenge 20.  
Iurours peremptorie sans  
aucun cause, & ceo est in  
fauorem vitæ, & tant que  
il voile oue cause, mes dō-  
ques il serra trie si pur tiel  
cause il soyt indifferent ou  
nemy.

Also a felon that is ar-  
raigned may challenge 20.  
Iurozs peremptory with-  
out any cause, and that is  
in fauor of life, & as many  
as he will with cause, but  
then it shall bee tried if for  
such cause hee bee indiffe-  
rent oz not.

95 *Chambertie.*

CHambertie est vn briefe  
& gist lon deux homes  
font impieadaunts, & lun  
done la moytie ou part  
del chose en plee a vn  
estranger pur luy mayn-

*Champertie.*

CHampertie, is a writ  
and lyeth where two  
men bee impleading, and  
one giueth the halfe oz  
part of the thing in plee to  
a stranger for to main-  
taine

take him against the other, teiner encounter le auter,  
thē: he partie grieved shal donques le partie greeue  
hene this writ against the auera cest brieve deuers le  
stranger. See the Sta- straunger. Vide le statute  
tute Articuli super chartas Articuli super Chartas,  
cap. 11. cap. 11.

96 Champertors.

Champertors.

CHampertors, bec they CHampertors, sont ceux  
that moue pless & suits, que moua pless & suits,  
oz cause to bee moued by ou cause destē moue per  
their owne oz others pro- leur ou auters procure-  
curement, and sue them at ment, & sue a leur costages  
their owne costs, to haue & charge demelne, pur  
part of the lands oz gains auer part del terre ou  
in variance. gaines en variance.

97 Charge.

Charge.

CHarge, is where a man CHarge est lou vn home  
graunteth a rent issua- graunta vn rent issuant  
ing out of his ground, and hors de son terre, & que si  
that if the rent be behind, le rent soit arriere, que ser-  
it shall be lawfull for him, ra loyal a luy, ses heires &  
his heirs and assignes to assignes a distraire tan-  
distraine till the rent bee que le rent soit pay, cest  
paid, this is called a rent appel vn rent charge. Mes  
charge. But if one graunt si vn graunt vn rent charge  
a rent charge out of the hors del terre dun auter,  
land of an other, though coment puis il purchase la  
after he purchase the land, terre vncore le graunt est  
yet the grant is void. void.

98 Charters.

Charters.

CHarters of lāds are writ- CHarters de terres sont  
tings, deeds, euidences, escripts, faits, euiden-  
& instruments, made from ces, & instruments, fait  
one man to another, byon de vn home a l'auter sur  
F ascun



## The exposition of

ascun estate conueied ou  
passed perenter eux de ter-  
res ou tenemens, monstrât  
les nosmes, lieu, & quan-  
titie del terre, le citate,  
têps, & maner del feafans  
de ycel, les parties a le es-  
tate deliuer & prise les rei-  
moignes pient al ceo, oue  
autres circumstances.

some estate cōueied oz pas-  
sed berwene thē ot lands  
oz tenements shewing he  
names, place, & quantiry of  
the land, the estate, time &  
maner of the doing there-  
of, the parties to the estate  
deliuered & taken, the wit-  
nesse present at the same,  
with other circumstances.

### 99 Chattels.

**C**Hattels, sont en deux  
sorts, cest adire, chattels  
reals & chattels personels.  
Chattelz reals sont leases  
purans, gards, & a tener a  
volunt.

Chattels personels, sont  
touts moueable biens, cōc  
argēt, plate, biēs del mea-  
son, chiuais, vacchez,  
blees, & tiels semblables.

### Chattels.

**C**Hattels, are in two  
sorts, that is to say,  
chattels reals & chattels  
personels. Chattels reals  
are leases for yeares,  
swa ds, & to hold at will.

Chattels personels are  
all moueable goods, as  
money, plate, household-  
stuffe hozles, kine, cozne, &  
such like.

### 100 Childwit.

**C**Hildwit, hoc est, quod  
capitis gersummam de  
natura vestra corrupta &  
pregnata sine licentia ve-  
stra,

### Childwit.

**C**Hildwit, that is, that  
you may take a fine of  
your bordwoman, defied  
and begotten with childe  
withour your licence.

### 101 Chimin.

**C**Himin, est le haut voy  
lou chescun home passa  
que est appel via Regia,  
& vncore le Roy nad

### Chimin.

**C**Himin, is the high way  
wher euery man goeth  
which is called Via Regia,  
and yet the King hath no

other thing there but the passage for him and his people, for the freehold is in the Lord of the soyle, & all the profits growing there, as trees, and other things.

auter chose la forsq; le passage pur luy & son peupple, car le franktenement est en le seigneur del teule, & tous les profits crellai la, come arbres, & auters choses.

102 Thing in action.

Chose en action.

**T**Hing in action, is when a mā hath cause, or may bring an action for some duty due to him, as an action of debt vpon an obligation, or annuities, or rent, action of covenant, or ward, trespass of goods taken away, beating, or such like, and because that they are things whereof a man is not possessed, but for recovery of them is given to his action, they are called Things in action. And those things in action that are certain, the King may graunt, and the grauntee may vse an action for them in his owne name onely. But a comon person cannot graunt his thing in action, nor the king himselfe cannot graunt his thing in action which is vncertain, as trespass, and such like.

**C**Hose en action, est quant vn hōe ad cause, ou poit porter vn action pur aucun due due a luy, cōt vn action de det sur vn obligation, annuity, ou rent, action de couenant, ou gard, trespass des biens emporte, baterie, ou tielx semblables, & pur ceo que ils sont choses de qux vn hōe n'est possesse, mes pur recouerie de eux est mis a son action, ils sont appellez choses en action. Et ceux choses en action q sont certain, le Roy poit granter, & le grantee poit vse vn action pur eux en son nosme de meism seulement. Mes vn comon person ne poit graunter son chose en action, ne Roy luy meism ne poit graunter son chose en action quel est vncertain, come trespass, & tielx semblables.

F. 4. 103 Cuius

## The Exposition of

### 103 Cinque Ports.

**C**inque Ports, sont certaine hauen villes, cir q; en number, as q;ux ad este graunt long tempz passe multelibilities (que autres port villes nont) & ceo primerment en le tēps del Roy Edward appelle le Conquest (que fuit deuant le Conquest) & fueront encrease apres, & ceo especialment en les iours del trois Edwards, le primer, second, & le tierce (apres le Conquest) come appiert en le Lieur de Domesday, & aus vieux Monuments, queux en cest lieur seront trope longe de recite.

### Cinque Ports.

**C**inque Ports, be certain hauen towne, siue in number, to which haue bin graunted long time since many liberties (that other Port towne haue not) and that first in the time of King Edward called the Conquest (who was before the Conquest) hath bin increased since, & that chiefly in the days of the three Edwards, the 1. the 2. & 3. (since the Conquest) as appeareth in the Booke of Domesday, and other olde Monuments, which in this work should be too long to recite.

### 104 Circuitie de action.

**C**ircuitie de action, est quāt vn action est droitement port pur vn duitie, mes vncore circum le bush, come semble, pur ceo q; ceo poit cibien estre auterment respondue & determine, & le suit saue, & pur ceo q; mesme le action fuit plus que besoigne, il est appelle circuitie de actiō. Come si vn home graunt vn rent charge de x. li.

### Circuitie de action.

**C**ircuitie de action, is when an actiō is rightfully brought for a duitie, but yet about the bush, as it were, for that it might aswell bin otherwise answered, and determined, and the suite saued, and because that the same action was moze then needed, it is called circuitie of action. As if a man grant a rent charge of x. pounds

ont

out of his manor of Dale, and after the Grauntee disseiseth the Grauntoz of the same manor of Dale, & he bringeth an Assise, and recouereth h<sup>e</sup> land, & xx. l. damages, the which xx. l. being paid, the Grauntee of the rent sueh his action for ten pounds of his rent due during the time of the disseisin, which if no disseisin had bin, hee must haue had: This is called circuity of action, because it might haue bin more shortly answered, for whereas the grauntour shall receiue xx. l. damages, and pay x. l. rent, hee might haue receyued but the x. l. onely for the damages, & the grauntee might haue cut off & kept backe the other x. l. in his hands, by way of detainer for his rent, and so thereby might haue saved his action.

hors de son manour de Dale, & apres le Grauntee disseist le grauntor de m<sup>e</sup> le manor de Dale, & il port vn Assise, & recouer le ter<sup>r</sup> & xx. li. damages, le quel xx. li. esteant pay, le grauntee del rent sue son action pur x. li. de son rent due durant le temps de le disseisin, le quel si nul disseisin ad este, il doit auer ew: Cest appel Circuitie de action, pur ceo que il poit auer este pluis briefement respondue, car lou le grauntor doit receiue xx. li. damages, & paie x. li. rent, il puit auer receiue forsque le x. li. solement pur les damages, & le grauntee puit auer recoupe & retaine arriere le autre x. li. en ses maines per voy de detainer pur son rent, & issint per ycel poit auer saue son action.

105      Claime.

Claime.

Claime, is a challenge by any man of the propriety or ownership of a thing which he hath not in possession, but that which is

Claime, est vn challenge per aucun home de le proprietie ou ownership de vn chose que il nad en possession, mes ceo que est  
F. iij.      de-

## The Exposition of

detaine a luy torciouſ- Withholden from hym  
ment, wrongfully.

106 Clergie.

**C**Lergie, eſt vn auncient libertie confirme en diuers Parliaments. Et eſt quant vn home eſt arraigñ de felonie, ou tiels ſemblables, deuant vn temporall Iudge &c. & le priſoner prin ſon Clergie, c'eſt adire, pur auer ſon liur, quel en auncient temps fuit autant ſicome il vſt prie deſte diſmiſſe del temporall Iudge, & deſte deliuer al Ordinarie de purger luy meſme de meſme offence. Et donques le Iudge commaunders le Ordinarie de trier ſil poit lier come vn Clerke en tiel liur & lieu come le Iudge aſſignera. Et ſile Ordinarie certifie le Iudge que il poit, donques le priſoner nauera indgement de perdre ſon vie. Vide Stamford lib. 2. cap. 41 & Quere le ſtatute 18. Eliz. cap. 7.

Clergie.

**C**Lergie, is an auncient liberty confirmed in diuers parliaments. And it is when a man is arraigned of felonie, & ſuch like, beſore a temporall Iudge &c. & the priſoner prayeth his Clergie, that is to ſay, to haue his booke, which in auncient time was as much as if he deſired to be diſmiſſed from the temporall Iudge, and to be deliuered to the Ordinarie to purge himſelfe of the ſame offence And thē the Iudge ſhall command the Ordinarie to trie if he can read as a Clerk in ſuch a booke and place as the Iudge ſhall appoint. And if the Ordinarie certifye the Iudge that he can, then the priſoner ſhall not haue indgement to loſe his life. See Stamford lib. 2. cap. 41, and ſeeke the ſtatute 18. Eliz. cap. 7.

107 Clerke attainr.

**C**Lerke attainr, eſt ce luy que pria ſon cler-

Clerke attainr.

**C**Lerke attainr, is hee which prayeth his clergie

gie after iudgement giuen vpon him of the Felonie, & hath his Clergie allowe- ed, such a clerke might not make his purgation.

108 Clerke conuict.

**C**lerke conuict, is hee which prayeth his c'ergie befoze iudgement giue vpon him of the Felonie, and hath his Clergie to him granted, such a clerke might haue his purgatiō. Note that this purgation was made, when he was dismissed to the Ordinary, there to be tried of the enquest of clerks. And therfoze now by the stat. of 18. Eliz c. 7 no such is put to the Ordinary.

109 Coadiutor.

**C**oadiutor to the disseisin is hee, which with another disseiseth one of his fræhold, to the vse of the other: and he shall be punished as a disseisor, but hee is not such a disseisor, which gaineth the fræhold, but the fræhold besteth and is all in him to whose vse the disseisin was committed, as it appeareth in Littleton lib. 3. cap. 3. of ioyntenants.

gie apres iudgement sur luy done de Felonie, & ad son Clergie allow, tiel clerke ne poit faire son purgation.

Clerke conuict.

**C**lerke conuict, est ce- luy que pria son clergie deuant iudgement done sur luy de le Felonie, & ad le Clergie a luy graunt, tiel clerke puit faire son purgation. Nota que cel purgation fuit fait quant il fuit dismissé al ordinary, la desre trie del enquest del clerkes: & pur ceo ore per statute 18. Eliz. cap. 7. nul tiel est misse al Ordinarie.

Coadiutor.

**C**oadiutor al disseisin est celuy, que oue au disseise vn de son Franktenement al vse del laurer, & il serra puny come vn disseisor, mes il n'est tiel disseisor que gaine le franktenement, mes le franktenement vest & est tout en celuy, a que vse le disseisin fuit commit, come appiert en Littleton lib. 3. cap. 3. de ioyntenants.

The Exposition of

110

Colour.

COLOUR, est vn fained matter, le quel le defendant ou tenant vse en son barre, quant vn action de trespas ou vn Assise est port enuers luy, en le quel il done le demandant, ou plainfise vn shewe prima facie, que il ad bone cause de action, lou en veritie il n'est iust cause mes tant-solement vn colour, ou visour dun cause: Et il est vse al entent que le determination del action doct este per les iudges, & ne my per vn ignorant Iurie de 12. homez. Et pur ceo vn color doct este vn matter en ley, ou difficult al lay gents: come pur example, A port vn Assise de terre enuers B. & B. dit que il mesme lessa m le terre al vn C. pur terme de vie & apres grant le reuersion al A. le demandant, & puis C. le tenant pur terme de vie morust, apres que de cease A. le demandant clai- mant le reuersion p force del graunt (ou C. le tenant pur vie ne vnques at- tuerne) entra, sur que B.

Colour.

COLOUR, is a fained matter, which the defendat or tenant vseth in his bar, when an action of trespas or an Assise is brought against him, in which he giueth the demandant or plainfise a shew at the first sight, that he hath good cause of action, where in troth it is no iust cause, but only a color & face of a cause: & it is vlsed to pntent that the determination of the action should bee by the iudges, & not by an ignorant Iurie of 12. men: and therfore a color ought to bee a matter in law or doubtful to pcomon people: as for example A. bringeth an assise of lād against B. and B. saith p he himselfe did let he same land to one C. for terme of life, & afterwarde did grant the reuersion to A. the demandant, & after C. the tenant for terme of life died, after whose decease, A. the demandant claiming the reuersion by force of the grant (where to C. the tenant for life, did neuer attuerne) entred, vpon whome B. entred,

entred, against whome A. entra, enuers que A. pur in  
for that entrie bzings this entre port cest assise &c.  
assise &c. This is a good Cest vn bone colour, pur  
colour because the comon ceo que les ley gentes pē-  
people think that the land sanc que le ter e voile passe  
will passe by the grant wh- per le graunt fins atturn-  
out a turnement, where ment, lou en fait il ne voile  
indeed it will not passe, &c. passe, &c.

Also in an action of tref- Auxy en vn action de  
passe, colour must be giuē, trespasse, colour doit este  
and of them are an infinit done, & de eux ionc vn in-  
number, one for example: finite number, vn pur ex-  
in an action of trespasse for ample: En vn action de  
tak'ng away the plaintiffs trespasse pur prisel de auers  
beasts the defendāt saith, del plaintife, le defen-  
that befoze the plaintife daunt dit, que deuaunt le  
had any thing in them, hee plaintife riens auoit en e-  
himselfe was possessed of ux, il mesme suit possesse  
thē as of his prop goods de eux come de ses proper  
& deliuered thē to A. B. biens, & eux deliuer al A.  
to deliuer them to him a B. pur eux rebailer a luy  
gainē, whē &c. And A. B. quando &c. & A. B. eux  
gaue thē vnto h plaintife, dona al plaintife, & le  
and the plaintife suppo- Plaintife suppos' le pro-  
sing the proprietie to be in pertie destre en A. B. al  
A. B. at the time of the temps del done prist eux,  
gift, tooke them, and the & le defend unt eux re-  
defendant took them from prist del plaintife, sur que  
the plaintife, whereupon le plaintife port l'acion:  
the plaintife bringeth an cest vn bone colour, & vn  
action, that is a good co- bone plea. Vide de ceo  
lor, and a good plea. See plus en les Dialogues en-  
more hereof in the Dia- ter le Doctor & student.  
logues between the Doct. lib. 2, cap. 13.  
and Stud. lib. 2, cap. 13.



## The Exposition of

### III Colour de office.

**C**olore officij est tous  
cits puit in malam  
partem, & signifie vn act  
mlement fait per le cou-  
tenance de vn office, & il  
port vn dissimulant visage  
del droit office, lou le of-  
fice nest que vaile del  
fauxrie & le chose est  
ground sur vice & le office  
est cõe vn shadow al coo.  
Mes ratione officij, & vir-  
tute officij sõt prises tous  
sont in bonam partem,  
& lou le office est le iust  
cause del chose, & le chose  
est pursuant al office.

### Colour of office.

**C**olour of office, is al-  
waies taken in þ worst  
part, and signifieth an act  
euill done by the counce-  
nance of an office, and it  
beareth a dissembling face  
of the right office, where-  
as the office is but a baile  
to the falsehood, and the  
thing is grounded vpon  
vice, & þ office is as a sha-  
dow to it. But by reason  
of the office, and by vertue  
of the office are taken al-  
waies in the best part, and  
where the office is the iust  
cause of the thing, and the  
thing is pursuing þ office.

### III Collusion.

**C**ollusion, est louvn a-  
ction est port vers vn  
auter per son agreement  
demesne, si le plaintife  
recouer, tiel recouerie est  
dit per collusion, & en  
ascun cases le collusion  
serra enquire, come en vn  
Quare impedit, Assise,  
& tiels semblables, queux  
ascun corporation ou  
corps politique port en-  
uers auter al entent de a-  
ner le terre ou aduowson,

### Collusion.

**C**ollusion, is where an  
action is brought a-  
gainst another by his own  
agreement, if the plaintife  
recouer, the such recovery  
is called by collusion, and  
in some cases the collusion  
shall bee inquired of as in  
Quare impedit, and Assise  
and such like, which ante  
corporation or body polit-  
ique bringeth against an  
other to the intent to haue  
the land or aduowson,  
whereof

soherof þ̄ writt is brought into Mortmaine. But in auowrie noz in any action personall, the conclusion shall not be inquired. See the statute West. 2. ca. 32. which giueth þ̄ Quale ius & inquirie in such cases.

dont le brieft est port en Mortmaine. Mes en auowrie ne en aucun action personal le collusion ne sera enquire. Vide le statute de West 2. ca. 32. que done le Quale ius & le enquirie en tiel case:

113 Commaundrie.

Commaundrie,

Commaundrie, was the name of a mannour oz chiefe messuage, to which lands oz tenements were occupied belonging to the late Priorie of S. Johns of Ierusalem in Englad, untill they were given to King Henry the 8. by statute made in the 32. yeare of his raigne: And hee, which had the gouernimēt of any such mannour oz house, was called þ̄ Commaunder, which had nothing to do to dispose of it but to þ̄ vse of the Priorie, & to haue onely his sustentance of it according to his degree, which was vsually a brother of the same Priorie, which had bin made Knight in the warres against Infidels, and were lately called Knights of

Commaundrie, fuit le nomme dun manour ou chiefe messuage, oue que terres ou tenements fueront occupies perteynans al Priorie de S. Johns de Ierusalem en Engleterre, tanq; fueront done al Roy Henry le huit, per statute fait en lan 32. de son reigne: Et cestuy, que auoit le gouernement de aucun tiel mannour ou messuage fuit appel le Commaunder, que nauoit rien a faire ou disposer de ceo forsque al vse del Priorie, & dauer solement son sustentance de ceo, solongue son degree que fust vsualmente vn frere de mesme le Priorie, que eust estre fait chivalier en les guerres encontre Infidels, & fuerot iades appel knights de le

# The Exposition of

le Rhodes, ou Knights de Malta, del lieux lou leur graund Master del dit order enhabite. Vide le dit Statute, & le statute entituled de Templarijs, le decay des queux fuit graund encrease de cel order, & plusors de ceux commandries sont en le pays nommes le Temple.

the Rhodes, or Knights of Malta, of þ places where their graund Master of the said order did dwell. See the said Statute, and the old Stat. intituled de Templarijs, whose decay was a great increase of this order, & many of the commandries are called in the Countrey by the name of Temples.

## 114 Common ley.

Common ley, est pur le plus part prise 2. voies. Primerment, pur les leyes de cest Realme simply, sans ascun aut ley, come custumarie ley, ciuil ley, spirituall ley, ou quecunque autre ley iointe a ceo, come quant est dispute en nostre leyes Dengleterre, quid doit de droit estre determinee per le common ley, & quid per spirituall ley, ou le Court del Admiral, ou tielx semblables.

Secundariment il est pris pur les Courtes le Roy, come le banke le Roy, ou Common place, tantseulement pur monstre vn difference perentee eux

## Common ley.

Common ley, is for the most part taken thre wayes. First, for the laws of this Realme simple, without any other, as custumarie law, ciuill law, spirituall law, or whatsoever else law ioynded vnto it, as when it is disputed in our lawes of England what ought of right to be determined by the common law, and what by the spirituall law, or Admirals court, or such like.

Secundarily it is taken for the Kings Courts, as the kings Bench, or common place, onely to shew a difference betwene them and

and the base Courts, as customary courts, court Barons, Countie courts, Wyppowders, & such like: as when a plee of land is remoued out of auncient demesne, because the land is frank soc, and pleadable at the common Law, that is to say, at the K. court, and not in auncient demesne, or in any other base court.

Thirdly, and most vsually by the common Law is vnderstood, such lawes as were generally taken & holden for law befoze any Statute was made to alter the same, as for example: Tenat for life, nor for yeares, were not to be punished for doing wast at the common law, till the statute of Glouc. ca. 5. was made, which doth giue an action of wast against them. But tenant by the curtesie, and tenant in dower, were punishable for wast at the common Law, that is to say, by the vsual & common receiued Lawes of the Realme, befoze the said statute of Gloucester was made.

& les base Courts, cōe customary courts, court Barons, Countie courts, Wyppowders, & tiels lembiales: come quāt vn plee de terre est remoue hors de auncient demesne, pur ceo que le terre est franke fee, & pleadable al common ley, cest adire en le Court le Roy, & nemy en auncient demesne, ou en aucun autre base court.

Tiercement, & plus vsualmente per le common ley est entendue, tiels leyes q̄ fueront generalment prise & tenus pur ley deuant que aucun estatute fait fait pur alter ceo, come pur example: Tenant pur vie, ne pur ans, ne fueront desle punish pur lesans wast al common ley, tanque le statute de Gloucester ca. 5. fuit fait, le quel done vn action de wast enuers eux. Mes tenant per le curtesie, & tenant en dower, fueront punishable pur wast al common ley, cest adire, per le vsual & common receiued leyes le Realme, deuant le dit statute de Gloucester fuic fait.

# The Exposition of

115 Common.

Common.

Common, est le droit q̄  
home ad de mitter les  
beastes a pasture, ou de vser  
& occuper le terre q̄ nest  
son proper soile.

Et nota, que sont diuers  
commons, cest adire com-  
mon en grosse, common  
appendant, common ap-  
purtenant, & common per  
cause de voisinage.

Common en grosse, est  
lou ieo per mon fait grant  
a vn autre, que il auer com-  
mon en ma terre.

Common appendant, est  
lou home est seisie de cer-  
taine terre, a q̄ il ad com-  
mon en autr soile, & tous  
ceux que seront seistes  
del dit terre aueront le dit  
cōmon seulement pur ceux  
beasts que compast la terre  
a que il est appendant, ex-  
cept oysons, chiuers, &  
porceaux.

Et tous iours, cest  
common est per prescrip-  
tion, & de common droit,  
& il est appendaunt al  
terre arable seulement, &

Common, is the right  
that a man hath to put  
his beasts to pasture, or to  
vse & occupie the ground  
that is not his owne.

And note, that there be  
diuers commons, that is  
to say, common in grosse,  
common appendant, com-  
mon appurtenant, and  
common because of neigh-  
borhood.

Common in grosse, is  
where I by my deed grant  
to an other that hee shall  
haue common in my land.

Common appendant, is  
where a man is seised of  
certaine land, to the which  
hee hath common in an o-  
thers ground, and all they  
that shall be seised of the  
land haue the said com-  
mon onely for those beasts  
which compast the land  
to which it is appendant,  
excepting geese, goates, &  
hoggies.

And alwayes that com-  
mon is by prescription,  
and of common right,  
and it is appendaunt to  
arable land onely, and  
not

not to any other land or nemy al auter terre ou  
house. meison.

**C**ommon appurtenant is in the same manner as common appendant. But it is with all manner of beasts, as well hogges, goates, and such like, as horses, kine, oxen, sheepe, and such as compass the ground. And this common may be made at this day, & may be seuered fro the land to which it is appurtenant, but so cannot common appendant.

**C**ommon because of neighborhood is where the tenants of ij. Lords which bee seised of two townes, where one lyeth nigh an other, & every of thē haue used from the time whereof no minde runneth, to haue common in the other towne with all manner of beasts communable.

**B**ut the one may not put his cattell in the others ground, for so they of the other towne may distraine them damage fessant, or may haue an action of trespass: but they may put the into their owne fields, and so if they stray into

Common appurtenant est en meisme le manner come commun appendant. Mes est ouesque tous manners des auers, cibien porceaux, chiuers & tiel semblable, come chiuais, vacches, boets, berbits, & tiels q̄ compasser le terre. Et tiel common poit estre fait a cest iour, & poit estre seuel del terre a q̄ il est appurtenant, mes il n'e ne poit comun appendant.

Common par cause de voisinage est lou les tenants de deux seignours que sont seises de deux villes, dont lun gist pres l'auter, & chescun de eux ont vie de temps dont memory ne court, de auer common en auē ville, ouesque tous beasts communable.

Mes lun ne poit mitter ses auers en le terre l'auter, car la ceux de l'auter ville poient eux distraine damage fessant, ou auer action de Trespas: mes ils eux mittera en leur campe demesme, & s'ils estray en les

## The Exposition of

les campos del auter ville, the fildes of the other  
 ils doiēt eux sufferer. towne, there they ought to  
 Et les inhabitants de lun suffer them. And the in-  
 ville ne doiēt mitter eins habitāts of the one to wn  
 rants come ils voile, mes ought not to put in as ma-  
 ayant regard al frankene. ny beasts as they wil but  
 ment del inhabitants de le hauing regard to h inha-  
 auter ville, car auterment bitants of the other to wn,  
 il ne serroit bon vicinitie. for otherwise it were no  
 sur que tout cest matter good neighborhood, vpon  
 depend. which al this matter both  
 depend.

116 Condition.

**C**ondition, est vn res-  
 traint ou bridle annex  
 & ioyne al chose, issint que  
 per le non performance  
 & fens de ceo le partie al  
 condition receiuera preiudice  
 & parde, & per le per-  
 formance & faire de ceo  
 commoditie & aduantage.

Et tous conditions sont  
 ou Conditions actuall &  
 expresse, queux sont ap-  
 pel Conditions en fait, Ou  
 ils sont conditions impli-  
 cite ou tacite, & nient ex-  
 presse, les queux sont  
 appellees Conditions en  
 ley.

Auxy tous Conditions  
 sont ou Conditions prece-  
 dent & vaient deuant l'esta-  
 te, & sont executed, ou

Conditions.

**C**ondition, is a restraint  
 or bridle annexed and  
 ioyned to a thing, so that  
 by the not performance or  
 not doing thereof the par-  
 tie to the condition shal re-  
 ceine preiudice and losse,  
 and by the performance &  
 doing of the same commo-  
 ditie and aduantage.

And all Conditions are  
 either Conditions actu-  
 all and expresse, which  
 be called Conditions in  
 deed, or els they bee con-  
 ditions implied or couert,  
 and not expresse, which  
 are called Conditions in  
 law.

Also all Conditions are  
 either Conditions prece-  
 dent and going before the  
 estate, and are executed, or  
 els

els subsequent & follow-  
ing after the estate and ex-  
ecutorie.

The Condition prece-  
dent doth get and gain the  
thing or estate made vpon  
condition by the perfoz-  
mance of the same.

The Condition subse-  
quent doth keepe & conti-  
nue þ thing or estate made  
vpon condition by the per-  
formance of the same.

Actuall and expresse cō-  
dition, which is called a  
Condition in dēde, is a  
condition knit & annexed  
by expresse wordz to the  
feoffement, lease, or grant,  
either in writing, or with-  
out writing: As if I in-  
feoffe a man in landes re-  
seruing rent to be paid at  
such a feast, vpon condition,  
that if the feoffee faile of  
paiment at the day, that  
then it shall be lawfull for  
me to reënter.

Condition implied or  
couert and not expresse,  
which is called a conditi-  
on in lawe, is when a  
man graunteth to another  
the office to be keeper of a  
Parke, Steward, Bea-  
dle, Baylife, or such like

subsequent & veniens a-  
pres le estate & execu-  
torie.

Le Condition precedēt  
gaine & obtaine le chose  
ou estate fait sur condition  
per le perfourmance de le  
condition.

Le Condition subsequēt  
garde & continue le chose  
ou estate fait sur condition  
per le performance de y-  
cel.

Actual & expresse con-  
dition, que est appel vn  
condition en fait est vn  
condition knit & annex  
per expresse parolx al fe-  
offement, lease, ou graunt,  
ou en escript ou sauns es-  
cript. Sicome ieo enfeoffe  
vn home en terres reseruāt  
rent, deste payed a tiel  
feast, sur condition, que si  
le feoffee faile de payment  
al iour, que donques il  
serra loyal pur moy de re-  
ënter.

Condition implicite ou  
tacite & niēt expresse, q est  
appel condition en ley, est  
quant home graunt al auē  
le office desti gardein dun  
Parke, Seneschal, Beadle,  
Baylife, ou tiels sembles  
pur



## The exposition of

pur terme de vie, & nient  
obstant que la ne soit alcu  
condition expresse en le  
graunt, vncore le ley parle  
couertment de vn condi-  
tion, quel est que si le gran-  
tee ne execute pas tous  
points apperteynant a son  
office, per luy melme ou  
son sufficient depute, don-  
que sera loyal pur le gran-  
tor de enter & discharge  
luy de son office.

for terme of life, & though  
there be no condition at al  
expressed in the grant, yet  
the law speaketh couertly  
of a condition, which is,  
that if the grauntee do not  
execute all pointes aper-  
taining to his office, by  
himselke or his sufficient  
deputie, then it shall bee  
lawfull to the grauntour  
to enter & discharge him  
of his office.

Condition precedent &  
vaant deuant, est quant vn  
lease est fait al vn pur vie  
sur condition, que si le  
lessee pur vie voile payer  
al lessour xx. li. a tiel iour,  
que donques il auera fee  
simple, icy le condition  
precede & va deuant le  
estate in fee simple, & sur  
le performance de le con-  
dition, get & gaine fee  
simple.

Condition subsequent,  
& veniens apres, est quant  
vn graunt a I. S. son man-  
nour de Dale en fee sim-  
ple, sur condition, que le  
grauntee payera a luy a  
tiel iour xx. li. ou auter-  
ment que son estate ces-  
sera, icy le condition est

Condition precedent &  
going before, is when a  
lease is made to one for  
life, vpon condition, that if  
the lessee for life will pay  
to the lessour xx. pounds at  
such a day, that the he shall  
haue fee simple, here the  
condition precedes & goeth  
before the estate in fee sim-  
ple, and vpon the perfor-  
mance of the condition, doth  
get and gaine the fee sim-  
ple.

Condition subsequent,  
& coming after, is when  
one granteth to I. S. his  
mannor of Dale in fee sim-  
ple vpon condition, that  
the grauntee shall pay to  
him at such a day xx pound,  
or els that his estate shall  
cease, here the condition is

sub

subsequent and following the estate in fee simple, and upon the performance thereof doth keepe & continue the estate.

See more of this in Littleton lib. 3. cap. 5. And Perkins in the last title, of Conditions.

subsequent & ensuant le estate en fee simple, & sur le performance de ycel, garde & continue le estate.

Vide pluis de ceo en Littleton lib. 3. cap. 5. Et Perkins titulo ultimo, de Conditions.

117 Confirmation.

Confirmation, is when one which hath right to any lands or tenements maketh a deed to an other which hath therof the possession, or some estate with these words, Ratificasse, Approbasse, Confirmasse, with intent to enlarge his estate, or make his possession perfect and not defensible by him that maketh the confirmation, nor by any other that may haue his right.

Whereof see more in Littleton lib. 3. cap. 9. of Confirmations.

118 Confiscate goods.

Confiscate goods, are goods to which the law entitleth the King when they are not claimed by any other. As if a man bee indicted that hee felon-

Confirmation.

Confirmation, est quant vn que auoit droit al ascun terre ou tenements fait vn fait a vn autre que auoit ent le possession ou ascun estate ou lque ceux parolx, Ratificasse, Approbasse, Confirmasse, ou entent de enlarger son estate, ou faire son possession perfect & nient defensible per luy que fait le confirmation, ne per ascun autre que poit auaigner a son droit.

Dont vide pluis en Littleton lib. 3. cap. 9. de Confirmations.

Confiscate biens.

Confiscate biens, sont biens al queux le ley entiele le Roy quant ils ne sont pas claime per ascun autre. Come si vn home soit endict que il felon-

G.ij. oussment

### The Exposition of

oulement emblea les biens  
de I. S. lou en veritie ils  
sont ses biens demesne, &  
ils sont mis en court vers  
luy come vn mayneur, &  
donqs il est demande que  
il dit a ceux biens, & il  
denie eux, ore per cest de-  
nier de eux, il perdra ceux  
biens, coment que apres il  
soit acquite del felonie, &  
issint en auters semblable  
cases.

only stole the goods of  
J. S. where in truely  
they are his owne goods,  
and they are brought into  
the Court against him as  
a maineur, and then he is  
demanded what he saith  
to those goods, & he deni-  
eth them, now by this de-  
nying of them, he shall lose  
those goods, although that  
afterward hee be acquitted  
of the felonie, and so in  
other like cases.

#### 119 Conspiracie.

Conspiracie, est vn briefe  
& gift lou dcux ou plu-  
sors sentailerent per sere-  
ment, couenant, ou auter  
maner aliance, que ches-  
cun aydera auter pur en-  
dister ou appealer ascun  
home de felonie, donques  
celuy que est per tiel ma-  
ner endist ou appeal, aue-  
ra cest briefe. Mes cest  
briefe ne gift vers lendi-  
stors.

Vide plus de ceo en  
Stamford lib. 3. cap. 12.

#### Conspiracie.

Conspiracie, is a writ &  
it lyeth where two or  
more knit themselves to-  
gether by oath, couenant,  
or other maner of aliance,  
that euery one shall helpe  
other for to indict or ap-  
peal any man of felonie,  
then he which is by such  
maner indicted or appea-  
led shall haue this writ.  
But this writ lyeth not  
against the indictors.

See more hercof in  
Stamford lib. 3. cap. 12.

#### 120 Custome.

Consuetud' & seruitijs,  
est vn briefe, & gift lou  
ieo ou mes ancestre depuis

#### Custome.

Customes & services, is  
a writ, and lieth where  
I or my ancestors after  
the

the limitation of assise (for which see the title of Limitation in the Collection of statutes) were not seized of the customes or services of my tenant before, the I shall have this writ to recover those services.

Also the tenant may have this writ against his Lord, but after that the tenant hath declared, the Lord shall descende the words of the declaration, and replying shal say, that hee distrained not for the customes whereof the declaration is, and then hee shall declare all the declaration of the customes & services, & then the tenant, who was plaintife shall become defendant, & shall defend by bataille or great assise.

121 Consultation.  
Consultation, look therefore after in the title of Prohibition.

122 Continual claime.  
Continual claime, is wher a man hath right to enter into certain lands whereof an other is seized in fee simple, or fee taile, fee simple, ou fee taile,

le limitation de assise (pur quel vide le titre de Limitation en le Collection de statutes) ne fueront seizes des customes ou services de mon tenant, mes deuât, donqs ieo aia cest bre pur recouer ceux services.

Auxy le tenant poit auer cest brieve vers son Seignior, mes apres que le tenant ad count, le Seignior defendra les motes del count, & replying dirra, que il ne distraina pas pur les customes dont le count est, & donques il countera tout le count de les customes & services, & donques le tenant q suit plaintife deviendra defendant, & defendra per bataille ou ground assise.

Consultation.  
Consultation, Vide de ceo apres en le titre de Prohibition.

Continual claime.  
Continual claime, est lou home ad droit de entre en certaine terres dont vn autre est seise en G. iij. & il

## The Exposition of

& il ne olast enter pur pa- and he dare not enter for  
 uour de mort ou barerie, feare of death or beating,  
 mes approcha cy pres cõe but appzocheth as nigh as  
 il olast, & fait claime a he dare, & maketh claime  
 ceo deins le an & iour thereto within the yeare  
 deuant le mort de cestuy and day befoze the death of  
 que ad le terre, si apres him that hath the landes,  
 cestuy que ad le terre de if after he which hath the  
 uie seisie, & son heire est land die seiled, & his heire  
 eins per discent, vncore is in by discent, yet he that  
 cestuy que fait tiel claime maketh such claime may  
 port enter sur le heire, ni- enter vpon the heire, not-  
 ent contristeant tiel dis- withstanding such discent,  
 cent, pur ceo que il ad for that that he hath made  
 fait tiel continual claime. such continual claime: but  
 Mes il couient que cest it behoueth þ such claime  
 claime tous soit fait alwaies be made within  
 deins lan & iour deuant the yeare & the day befoze  
 le mort le tenant, car si the death of the tenant, for  
 tiel tenant ne morust seisie if such a tenant doe not die  
 deinz lan & iour apres seiled within a yeare and a  
 tiel claime fait, & vn day after such claime made,  
 core il que ad droit no- and yet he that hath right  
 fast enter, donques co- dare not enter, then it be-  
 uient al cestuy que ad houreth him that hath such  
 tiel droit de faire auter right to make an other  
 claime deins lan & iour claime within the yeare &  
 apres le primer claime, & day after the first claime, &  
 apres tiel second claime after such second claime to  
 de faire le tierce claime make þ third claime with-  
 deins lan & iour, si il voit in the yeare and day, if hee  
 este sure de sauoir son en- will be sure to saue his en-  
 tre. Mes si le disseisor die- try. But if the disseisor die  
 ue seisie deins lan & iour seised within the yeare and  
 apres le disseisin, & nul day after the disseisin, and  
 claime fait, donques le no claime made, then the  
 entre

entre of the disseisee is taken away, for the yeare & day shall not be taken fro the time of the title of the entre to him growen, but only fro the time of the last claime by him made, as is aforesaid. See moze here of in Litt lib. 3. cap. 7.

123 Counterplee.

**C**ounterplee, is when one bringeth an action, & the tenat in his answer & plee voucheth or calleth for any mā to warrāt his title, or praieth in aid of another, which hath better estate then he, as of him & is in the reuerfion, or if one that is a straunger to the action, come & pray to bee receined, to saue his estate, if the demaundant replie thereto, & shew cause that he ought not such a one to vouch, or & hee ought not of such a one to haue ayde, or that such a one ought not to be receined, this plee is called a Counterplee to the vouch, aid, or rescit, as the case is, but if the vouch be allowed, and when & vouchē cometh in & demaundeth what cause the tenant hath, & the te-

entre le disseisee est tolle, car lan & iour ne serra prise de le temps del title dentre a luy accrue, mes seulement de le temps del darrein claime p luy fait, come est auantdit. Vide pluis de ceo en Litt. lib. 3. cap. 7.

Counterplee.

**C**ounterplee est lou vn port vn action, & le tenant en son respons & plee vouch ou appel pur aucun homa pur garrar son title, ou prayer ayde de auter, que ad meliour estate, cōe de cestuy en la reuerfion, ou si vn esttraunge a l'action vient, & pryera deste rescit de sauer son estate, si le demaund reply a ceo, & monstre cause que il ne doit riel home vouch, ou que ne doit de tiel home eyde auer, ou que tiel home ne doit este rescit, cest plee est appel vn counterplee al vouch, ayde, ou rescit, come le case est, mes si le vouch soit allowed, & quant le vouchē vient eins & demaunde quel chose le tenant ad de luy vouch, & le tenant

Giiij.

nant

## The Exposition of

naunt monstre son cause, & le vouchee plede aucun matter de auoide le garrantie, ceo est appel counterplee del garrantie.

nant sheweth his case, & the vouchee pleade any thing to auoid the warranty, that is called a counterplee to the warranty.

124

Contract.

Contract.

**C**ontract, est vn bargain, ou couenant perenter ij. parties, lou vn chose est done pur auter q est appel (Quid pro quo) come si ieo vende mon chival pur argent, ou si ieo couenaunt de faire lease a vous de mon maner de Dale, en consideration de xx. li. que vous dones a moy, ceux sont bone contracts, pur ceo q il ad vn chose pur aut. Mes si vn home fait promise a moy, que ieo auera xx. s. & que il voyle este dettour a moy de ceo, & puis ieo demaunde xx. s. & il ne voyle a moy deliuer, vncore ieo nauera iammes action pur recouer cest xx. s. pur ceo que cest promise ne fuit contract, mes nudus pactus. Et ex nudo pacto non oritur actio, mes si aucun chose fuit done pur le xx. s. mesque

**C**ontract, is a bargain, or couenant betwene two parties, where one thing is giuen for another which is called (Quid pro quo) as if I sell my horse for money, or if I couenāt to make you a lease of my mannor of Dale, in consideration of xx. li. that you shall giue me, these are good contracts, because there is one thing for another: but if a mā make promise to me, that I shall haue xx. s. and that he will be debtor to me thereof, & after I aske the twenty s. and he will not deliuer it, yet I shal neuer haue any actiō to recouer this twētie shillings, for that that this promise was no contract, but a bare promise. And ex nudo pacto non oritur actio, but if any thing were giuen for the twenty shillings, though it were not

not but to the value of a il ne fuit forsque al value  
peny, then it had bene a vn denier, donques il fuit  
good contract. bone contract.

125 Contra formam col-  
lationis,

Contra formam col-  
lationis.

**C**ONtra formam collati-  
onis, is a writ, and it  
lieth where a man hath gi-  
uen lands in perpetual  
alines to any of the late  
houses of Religion, as to  
an Abbot, and to the Co-  
uent, or other soueraigne,  
or to the warden or Ma-  
ster of any Hospitall, and  
his couent to find cer tain  
pooze men, and to do other  
diuine seruice, if they alien  
the lands, then the donour  
or his heyres, shal haue the  
said writ for to recouer  
the land, but this writ shal  
be alway brought against  
the Abbot or his successor,  
and not against the alie-  
ne, although that hee be  
tenant, but in all other ac-  
tions where a man dema-  
ndeth frehold, the writte  
shalbe brought against the  
tenant of the land. See  
the Statute Westm. 2.  
cap. 41.

**C**ONtra formam collati-  
onis, est vn briefe, & gift  
lou home done terres en  
perpetual almoigne a as-  
cun meason de Religion,  
come a vn Abbe & la Co-  
uent ou a au Soueraigne,  
ou algardein ou Master de  
ascun Hospital, & son co-  
uent, de trouer certaine  
pouer homes, & de faire  
auter diuine seruice, s'ils a-  
lien les terres, donques le  
donour ou ses heires, au-  
ront le dit briefe pur recoü  
le terre, mes cest briefe serä  
touts foirs port vers le  
Abbot ou son successor, &  
nemy vers alienee, comēt  
q'il soit tenä: mes en tous  
autres actions lou hom de-  
maund franktenement, le  
briefe serra port vers le te-  
nant del terre. Vide le Stat.  
West. 2, cap. 41.



# The Exposition of

## 116 Contra formā feof- famenti.

**C**ONTRA formam feoffamenti, est vn brieve, & gift ou vn home deuant le statute de Quia emptores terrarum, quel fuit fait An. 18. Ed. le prim, infeoffe auē per fait de faire certayne seruice, si le feoffour ou les heyres distrayne luy de fait auter seruice que est comprise en le fait, donques le tenaunt auera cest brieve, luy commandant que il ne dist aue luy de faire auter seruice, que nest comprise deins le fait, mes cest brieve ne gift pur le plainē q clame per purchase del primer feoffee. mes pur tiel plaintife que clame come heire al primer feoffee.

## Contra formam feof- famenti.

**C**ONTRA formam feoffamenti, is a writ, and it lyeth where a man befoze the statute of Quia emptores terrarum, which was made An. 18. Ed. the first, infeoffed another by deed to do certain seruice, if the feoffour or his heires distraine him to doe other seruice then is comprised in the deed, the the tenant shal haue this writ, commanding him that he distrain not him to do other seruice, that is not comprised within the deed: but this writ lyeth not for the plaintife which claimeth by purchase from the first feoffee, but for such plaintif as claimeth as heire to the first feoffee.

## 117 Contributione faci- cienda.

**C**ONTRIBUTIONE facienda, est vn brieve, & gift lou sont diners Parceners, & celuy que ad le part del eygn, fait tout le sure al Seignour, les autres doyent faire contributiō aluy

## Contributione faci- cienda.

**C**ONTRIBUTIONE facienda, is a writ, and it lyeth where there are diuers Parceners, and he which hath the part of the eldest, doth make al the suitto the Lord, the others ought to make contribution to him, and

and if they will not, he shal & ils ne voillent, il auera  
haue against them the said vers eux le dit brieve.  
writ.

128 Conusance.

CONusance of Pleé, is a  
Priuiledge that a Ci-  
tie or Towne hath of the  
Kings graunt to hold pleé  
of all contractes, and of  
lands within the precinct  
of the franchise, and that  
when any man is implea-  
ded for any such thing in  
the Court of the King at  
westminster, the Maior  
and Bailifes of such fran-  
chises, or their Attourney,  
may aske Conusance of  
the pleé, that is to say, that  
the pleé & the matter shall  
bee pleaded and determi-  
ned before them.

But if the Court at  
westminster be lawfully  
seised of the pleé, before  
Conusance be demanded,  
then they shall not haue  
Conusance for that suit,  
because they haue negli-  
gently surceased their time  
of demand therof, but this  
shall be no barre to them  
to haue Conusance in an  
other action, for they may  
demand conusance in one  
action, & omit it in another

Conusance.

CONusance de pleé, est  
vn priuiledge que yn  
cité ou ville ad del graunt  
le Roy de tener pleé des  
touts contractes, & des ter-  
res deins le precinct del  
Franchise, & quant al-  
cun home est empleaded  
pur aucun tiel chose en le  
Court de Roy al West-  
minster, les Maiors ou  
Bailifes de tiels Franchi-  
ses, ou leur Attournies,  
poient demander Conu-  
sance del pleé, cest asca-  
uoir, que le pleé & le mat-  
ter serra plede & deter-  
mine deuant eux.

Mes si le Court al West-  
soit loyallyment seise del  
pleé deuant que Conu-  
sance soit demande, don-  
ques ils ne aueront Conu-  
sance pur cest suit, pur ceo  
que ils ont negligentment  
surcease leur temps de de-  
maunder ceo, mes cest ne  
serra barre al eux dauer  
conusance en autre action,  
car ils poyent demande  
Conusance en vn action,  
& omettre ceo en vn autre  
action

# The Exposition of

action a lour pleasure.

Et nota, que Conuſance ne giſt en preſcription, mes ils couient monſtre letters patens le Roy pur ceo.

action at theire pleaſure.

And note, that Conuſance lieth not in preſcription, but it behoueth to ſhew the kinges letters patens for it.

129 Corodie.

**C**orodie, eſt vn allowance de meate, pane, boyer, argent, veſtmentes, lodging, & tielx choſes neceſſarie pur ſuſtenance. Ceo aſcun ſoits eſt certain ou le certaintie des choſes eſt limitee, aſcun ſoits vn certaine lou neſt limitee le certaintie que il auet. Et aſcun de eux commence per graunt fait per aſcun home al auter, & poit eſtre pur vie, ans, en taile, ou ſee: & aſcun Corodies ſont de common droit, ſicome cheſcun founder de Abbies, Priories, Nunries, & auters meaſons de Religious papilticke, auoient authoritie aſſigner tiel en meſme les meaſons (quant ils fueront) pur ſon pere, frere, coſin, ou auter home que il voit, que prendroit ceo, ſil fait vn meaſon de Moignes, & ſi il ſoit founder del meaſon de Nunnes

Corodie.

**C**orodie, is an allowance of meate, bread, drink, money, clothing, lodging, & ſuch like things neceſſarie for ſuſtenance. It is ſometimes certain where the certaintie of things is ſet doſene, ſometimes vncertain where the certaintie of things is not ſet doſen which he ſhal haue. And ſome of them began by grant made by one man to an other, and it may be for life, yeres, in taile, or in fee: & ſome Corodies are of common right, as euery founder of Abbies, Priories, nunries, & other houſes of religion, had authoritie to aſſigne ſuch in the ſame houſe, where they were ſtanding, for father, brother, coſin, or other man that he would appoint, ſhould take it, if it were a houſe of Monks, and if he were founder of a houſe of Nuns

oz women, then for his  
Mother, sister, cousin, oz o-  
ther womā that he would  
direct thither, & alwayes  
this was prouided for,  
that he that had a Corodie  
in a house of Monkes,  
might not send a woman  
to take it. For where  
Corodie was due in a  
Nunrie, there it was not  
lawfull to appoint a man  
to receiue the same, for in  
both cases such presentati-  
on was to be reiected. And  
this Corodie was due as  
well to a common person  
that was founder, as  
where the King himselſe  
was founder, but where  
the house was holden in  
frankalmoigne, there the  
tenure it selfe was a dis-  
charge of Corodie against  
all men, except it were af-  
terward charged volun-  
tarily, as when the King  
would send his writ to the  
Abbot for a Corodie, for  
such a one, whom they ad-  
mit, there the house should  
be thereby charged for es-  
uer, whether the King  
were founder oz not. See  
the writ of Corod' habendo  
in Fitz. Nat. bñ fo. 230.

ou muliers, donques ceo  
pur la mere, loer, cofin, ou  
auter mulier que il voile  
direct al ceo, & toutes  
iours cest prouiso fuit ew,  
que il que ad Corodie en  
vn meason de Moignes ne  
duist mitter vn feme de  
prendre ceo. Ne ou Co-  
rodie fuit due en vn Nun-  
rie, la il ne fuit loyall de  
appointer vn home de re-  
ceiuer ceo, car en ambia-  
deux caſes tiel presentati-  
on fuit deſte reiect. Et  
ceſt Corodie fuit due ci-  
bien a vn common person  
que fuit founder, licome  
ou le Roy meſme fuit  
founder, mes ou le mea-  
son fuit tenuſ en frankal-  
moigne, la le tenure meſm  
fuit vn diſcharge de Coro-  
die enconter tous homes,  
ſinon q il fuit apres charge  
voluntariment, come ou  
le Roy voit mitter ſon  
briefe al Abbe pur vn Co-  
rodie, pur vn tiel, le que ils  
admit, la le meason doit  
eſte charge per ceo a tous  
iours, ſi le Roy ſoit found-  
er ou nemy. Vide breue  
de Corodio habendo en  
Fitz. Natura breuium fol.  
230,

# The Exposition of

120 Coroner.

**C**oroner, est vn auncient officer de trust, & de graund authoritie, ordeine dette vn principall conseruator, ou gardein de le peace, a porter record des plees del Corone, & del lon view demesh, & de diuers autres choses mult en number &c. & pur ceo en temps le Roy Edward le primer cest estatute sequens suit fait, pur ceo que petit gentes meines sages soient eslieus ore de nouel communement al office del Coroner, ou mestier serroit que probes homes, loyals, & sages se entermellant de cel office. Purview est, que per tous les Counties soyent eslieus sufficient homes Coroners, de pluis loyals & pluis sages chivalers, que mieulx sachant, puisent, & voient a cel office entendre, & que loyalement attachent & representent les plees del Corone.

Et nient obstant le letter de cest estatute ne soit precisement obliuee, vncore al meines le intent doit estre pursue, cy pres come

Coroner.

**C**rowner, is an auncient Officer of trust, and of great authoritie, ordeined to be a principal conseruator, or keeper of the peace, to beare record of & Plees of the Crowne, and of his owne sight, and of diuers other thinges many in number &c. and therefore in R. Edw. the first dayes this Statute following was made: forasmuch as mean men and vndiscrete now of late are commonly chosen to the office of the Coroner, where it is requisite that wise men, lawfull, and able should occupie such offices. It is provided, that throught all Shires sufficient men should be chosen to be Coroners, out of the most wise & discreetest knights, which best knew, could, & would attend this Office, & which faithfully made and represented the Plees of the Crowne.

And although the letter of this statute be not precisely obserued, yet at the least, the intent should be followed, as nigh as mought

mought be, that for the default of knights, Gentlemen furnished with such qualities as the Statute setteth downe (of which sort there be many) might be chosen with this addition, that they be vertuous and good known Christians. See hercof in the writ de Coronator eligendo in Fitz. Natura Brevium fol. 163.

poit, issint que p le default des Chualers, Gentlemen furnished oue rielles qualities si come le statute parie (de que ils y addiuer) poyent estre esleu, oue cest addition que ils soient vertuous & bon connus Christians. Vide de ceo en le brieve de Coronatore eligendo in Fitzh. Natura breuium fol. 163.

121 Corporation.

**C**orporation, is a permanent thing that may haue succession: And it is an assemblee and ioyning together of many into one fellowship, brotherhood, & mind, whereof one is head and chiefe, the rest are the bodie, and this head and bodie knut together, make the Corporation. And of Corporations some are called Spirituall, & some Temporal, & of those that are Spirituall, some are corporations of dead persons in lawe, and some otherwise, and some are by the authoritie of the King only, and some haue beene of a mixt authoritie.

Corporation.

**C**orporation, est vn chose permanent que poit auer succession: Et est vn assemblee & ioyning ensemble de diuers en vn fellowship, fraternitie, & ment, de que vn est le teste & principall, les autres sont le corps, & cest teste & corps ioint ensemble font le Corporation. Et de Corporations ascuns sont appellees spirituels, & ascuns temporals, & de ceux que sont spirituels ascuns seront corporations de mort persons en ley, & ascuns auterment, & ascuns sont per authoritie del roy seulement, ascuns ont estre dun mixt authoritie.

Et

## The Exposition of

Et de ceux queux sont temporal alcüs son p auctho- And of those that are temporal, some are by the aucthoritie of the King also, & some by the common lawe of the Realme.

Corporation spirituell, & de mort persons en le ley, est lou le Corporation consist dü Abbe & Couët, & ceux ont leur cömmencement del Roy, & le hom de Rome, quant il y ad a fayre cy. Corporation spirituell, and of dead persons in the law, is where the Corporation consisteth of an Abbot and Couent, and these had beginning of the King, & the man of Rome when he had to do here.

Corporation spiritual & del able persons en ley, est lou le Corporation consist dun Dean & Chapter, Master del Colledge ou Hospitall, & cest corporation ad cömmencement del Roy solement. Corporation spirituell, & of able persons in lawe, is where the Corporation consisteth of a Deane and Chapter, Master of a colledge or hospitall, & this corporation had beginning of the King onely.

Corporatiö tēporal p le Roy est vn Maior & Communalte. Corporation tēporall by the king, is where there is a Maior & Communalte.

Corporation temporall per aucthority del commö ley est le assembly en Parliament, le quel consist del Roy le teste del corporation, & des Seigniors spirituels & temporals, & les Commons del Realme, le corps del corporation. Corporation temporall by aucthoritie of the Common law, is the assembly in Parliament, which consisteth of the head of the Corporation, & of the Lords spiritual & tēporall, & the Commons of the Realm, the body of the corporation.

132 Bodies politike.

Corps politike.

Bodies politike, are Bishops, Abbots, Priors, Deans, parsons of churches, and such like, which haue succession in one person only.

Corps politike sūt Euesques, Abbes, Priors, Deanes, Parsons dūn esglise, & tiels semblables, queux ont succession en vn person solement.

133 Corruption of blood.

Corruption of blood.

Corruption of blood, is when any is attainted of Felonie or Treason, then his blood is said to be corrupt, by meanes wherof his children nor any of his blood cannot be heires to him, or to any other ancestor, for which they ought to claime by him. And if he were a noble or gentleman before, he and all his children thereby are made vnnoble & vngentle, hauing regard to the nobilitie or gentry they claim by their father, which cannot be made whole againe by the kings graunt without authoritie of Parliament.

Corruption de sangue, est quant a ascun est attaint de Felonie ou Treason, donques son sangue est dit deste corrupt, par raison de quel ses enfans ne ascendent heires a luy ne al ascendant auncelster, pur que ils doient claime per luy. Et sil fuit noble ou gentile home deuaunt, il & tous les enfans per ceo sont faits ignoble & vngentle, ayant regarde al nobilitie ou gentrie ils claime per leur pere, que ne poit estre fait sane arriere per graunt le Roy sans auctoritie de Parliament.

134 Cosinage.

Cosinage.

Cosinage, is a writ, and it lyeth where my great Grandfather, my Grandfathers grandfather, or other cosin dieth seised in fee

Cosinage, est vn briefe, & gist lou mon beiaiel, mon tresaiel, ou autre cosin deuie seisie en fee

H, simple,



# The exposition of

simple, & vn estrange abata, cest adire, enter en les terres, donques ieo auera vers luy cest brieft, ou deuers son heire ou son alienee, ou deuers quecunque q̄ aueigne apres a les dits terres. Mes si mon aiel deuie seisi, & vn estrange abate donques ieo auera vn brieft de Aiel. Mes si mon pere, mere, frere, soer, vn cle, ou aunt, deuie seisi, & vn estrange abata, donques ieo auer vn assise de Mortdaunceste.

## 135 Couenant.

**C**Ouenant, est vn agreement fait per fait en escript & enseale perenter deux persons, lou chescun de eux est tenu a l'auter de performer certaine couenants pur son part, si lan de eux ne tient pas son couenant mes enfreint ceo, donques celuy que se sent de ceo greue, auera ent vn brieft de couenant.

Et nota bien q̄ nul brieft de Couenant serra maintainable launs especialie, si non en la Citie de

simple, and a stranger abateth, that is to say, entereth into the lands, then I shall haue against him this writ, or against his heire, or his alienor, or against whomsoever that commeth after to the said lands. But if my Grandfather die seised, & a stranger abateth, then I shall haue a writ of Aiel. But if my father, mother, brother, sister, vn cle, or aunt, die seised, and a stranger abateth, then I shall haue an Assise of Mortdauncester.

## Couenant.

**C**Ouenant, is an agreement made by deede in writing & sealed betwene two person, where euery of them is bounden to the other to performe certaine couenants for his part, & if the one of them holdeth not his couenāt but breakeheth it, the he which therof seeth himselfe grieved, shall haue thereupon a writ of Couenant.

And note well that no writ of Couenant shall be maintainable without especialty, but in the citie of

Londres

London, or in some other such place priuiledged by custome and vse. Londres, ou en ascun autre lieu priuiledge per custome & vse.

136 Couerture.

**C**ouerture, is when a man and a woman are married together, now whatsoeuer is done concerning the wife in h time of the continuance of this marriage betwene them is said to be done during the couerture, & the wife is called a woman couert.

Couerture.

**C**ouerture, est quant vn home & vn feme sont espouse ensemble, ore ascú chose que est fait concernant la feme en le temps de le continuance de cest mariage perenter eux est dit estre fait durant le couerture, & le feme espouse est appel vn feme couert.

137 Couin.

**C**ouin, is a secret assent determined in h hearts of two or more, to the prejudice of an other: As if a tenant for terme of life, or tenant in taile, will secretly conspire wyth an other, that the other shall recouer against the tenant for life the land which he holdeth &c. in prejudice of him in the reuerſion.

Couin.

**C**ouin, est vn secret assent determine en les cures de deux ou plusors, al prejudice dun autre: Come si tenant pur terme de vie, ou tenant en le taile secretment conspire oue vn autre, q l'auter recouera vers le tenant pur vie le terre que il tient &c. en prejudice de celuy en le reuerſion.

138 Cui in vita.

**C**ui in vita, is a writ, & it lyeth where a man is seised of lands in fee simple, or fee taile, or for terme of life, in the right of his

Cui in vita.

**C**ui in vita, est vn briefe, & gist lou home est seise de terres en fee simple, ou fee taile, ou pur terme de vie, en droit sa  
H. ij. feme

# The Exposition of

feme, & aliena mesme le terre, & deuie, donques el auera le dit brieft pur recouuer la terre.

Et nota bien que en cest brieft son tite doit este monstre, si soit de purchase la feme, ou de le herirage la feme. Mes si le baron alien le droit sa feme, & le baron & la feme deuient, le heire la feme auera vn brieft de Sur Cui in vita.

139 Cui ante diuortium.

**C**Vi ante diuortium, est vn brieft, & gift en semble maner, quant tiel alienation est fait per le baron del terre la feme, & puis deuorce est ew enter eux, donques la feme auera cest brieft, & le brieft dira, cui ipsa ante diuortium contradicere non potuit.

140 Curtesie Dengl-  
terre.

**C**urtesie Dengl'eterre, est lou home prent feme seise en fee simple, ou fee taile generall, ou seise come heire de la taile especial, & ad issue per la feme

wife, and alieneth the same land, & dieth, then shee shall haue the said wright for to recouer the land.

And note well that in this wright her title must be shewed whether it bee of the purchase of a woman, or of the heritage of the woman. But if the husband alien the right of his wife, & the husband & the wife die, the wifes heire may haue a wright of Sur cui in vita.

Cui ante diuortium, is a wright, & it lyeth in like maner, when such alienation is made by the husband of the wifes land, & after deuorce is had betwene them, then the woman shall haue this wright, and the wright shall say, to whom shee befoze the deuorce might not gainsay.

Curtesie of Eng-  
land.

**C**urtesie of England, is where a man taketh a wife seised in fee simple, or fee taile generall, or seised as heire of the taile especial, & hath issue by the wife male

male or female, be the issue  
dead, or in life, if the wife  
die, the husband shall hold  
the land during his life by  
the Law of England: and  
it is called tenant by the  
Curtesie of England, be-  
cause that this is not vsed  
in no other Realme but  
onely in England.

male ou female, soit issue  
mort, ou en vie, si la feme  
deuie, le baron tiendra la  
terre durant sa vie per la  
ley de Angleterre: Et est  
appel tenant per le Curte-  
sie de Angleterre, pur ceo  
que nest vsé en nul autre  
Realme forsque tantsole-  
ment en Angleterre.

D.

141 Damage fasant.

Damage fasant, is when  
a strangers beasts are  
in an other mans ground,  
without lawfull anthozity  
or licence of the tenant of  
the ground, and there do  
fæde, tread, and otherwise  
spoil the corne, grasse,  
woods, or such like: In  
which case þe tenant whom  
they hurt may therefoze  
take, distraine, & unpound  
them, as well in the night  
as in the day. But in other  
cases, as for rent, and ser-  
uices, and such like, none  
may distraine in the night  
season.

D.

Damage fasant.

Damage fasant, est quant  
les beasts de vn estränge  
sont en auters terres sans  
authority loial ou licence  
del tenant de la terre, &  
la mangeront, tread, ou  
auterment spoylont les  
blees, grasse, bois, ou tiels  
semblables: En quel case  
le tenant que ils issint da-  
mage, poit pur ceo pren-  
der, distraine, & impound  
eux, cibien en le nuit  
come en le iour. Mes en  
auters cases, come pur  
rent, & seruices, & tiels  
sembles, nul poit distrainer  
en le nuit temps.

142 Danegelde.

DAnegeld, that is to be  
quite of a certaine cu-  
stom which hath run som-

Danegelde.

DAnegelde, hoc est quie-  
tum esse de quadã con-  
suetudine q̃ cucurrit aliquo  
H. iij. rem-

### The Exposition of

tempore; quam quidem times which the Danes  
Dani leuauerūt in Anglia. did leue in England.

Ceo commence primerment en temps le Roy time of King Etheldred,  
Etheldred, quel esteant en who being soze distressed  
grand distresse per le con- by the continuall inuasion  
tinual inuasion de les Da- of the Danes, to purchase  
nes pur purchaser paix, fuit peace, was compelled to  
compell' de charger son charge his Countrie and  
pais & people oue import- people wyth importable  
able payments, car il payments, for he first gaue  
primerment done eux al them at five seuerall pay-  
cinque seuerall payments ments 113000. l. and af-  
113000. lib. & puis graunt terwards graunted them  
al eux 48000. li. annualint. 48000. l. yearly.

143 Darreine present-  
ment.

DArreine presentment,  
vide de ceo apres titulo  
Quare impedit.

Darreine present-  
ment.

DArreine presentment,  
loke therfore after in  
the title Quare impedit.

144 Deane & Chapter.

DEane & Chapter, est vn  
corps corporate spiri-  
tual, consistant de plusieurs  
able persons en ley, come  
nosmement de Deane (que  
est principal) & ses Pre-  
bends, & ils ensemble font  
le Corporation. Et sicome  
cest Corporation poyent  
iointment purchase terres  
& tenements al vse de leur  
Eglise & successors. It  
sint auxy chescun de eux

Deane & Chapter.

DEane & Chapter, is a  
bodie corporate spiri-  
tual, consisting of many  
able persons in law, as  
namely the Deane (who  
is chiefe) and his Pre-  
bends, and they together  
make the Corporation.  
And as this Corporation  
may iointly purchase lads  
& tenements to the vse of  
their Church & successors.  
So likewise every of the

seuerally may purchase to the vse of himseife and his heires. seueralment poit purchase al vse de luy & ses heires.

145 Decies tantum.

Decies tantum.

**D**ecies tantum, is a writ and lyeth where a iuroz in any inquest, taketh money of the one part or other to giue his verdict, then hee shall pay tenne times as much as he hath receiued, & euery one that will sue may haue action, and shall haue the one halfe, & the king the other halfe. But if the king in such case release by his pardon to such a iuroz, yet that shalbe no bar against him & bringeth the action, but that he shall recouer & other halfe, if his action be commenced befoze the pardon of the king, but if the pardon be befoze any action, it is a barre against al men. And the same law is of all other actions popular, where one parte is to the king, & the other to the party that sueth. And the embracers which procure such inquests shal be punished in the same manner. And they shall haue the imprisonment of a yere

**D**ecies tantum, est vn briefe, & gift lou vn iurour en ascun enquest, prist argent dun party ou dauter pur done son verdict, donques il payera x. foits a tant q il ad receiue. Et chescun que voil suer puit auer le action, & auera lun moitie, & le Roy l'auter moity. Mes si le roy en tiel case release per son pardon a tiel iurour, vncore ceo ne serra barre vers cestuy que port l'action, mes que il recouera l'auter moitie, si son action soit commence deuaunt le pardon le Roy, mes si le pardon soit deuaunt ascun action, il est barre encounter toutes gens. Et mesme le ley est de toutes actions populaires lou vn part est al Roy, & l'auter al partie que suera. Auxy les embracers que procurent tiels inquestes serront puny en mesme le manner: & ils aueront prisonment de vn an.

H iij.

Mes

## The Exposition of

mes nul iustice enquirera  
de ceo de office, mes sole-  
ment al suite del partie.

but no iustice shal inquire  
thercof of office, but onely  
at the suite of the party.

146

Declaration.

Declaration.

**D**Eclaration, est vn mon-  
straunce en escript de  
le grieve & complaint de  
le demaundant ou plain-  
tife enuers le tenaunt ou  
defendant, en que il sup-  
pose de auer receiue tort,  
& cest declaration doit  
estre plaine & certaine, pur  
ceo que il impeach le de-  
fendant ou tenant & auxy  
chace celuy a responder.  
Mes nota que declaration  
fait per le demaundant vers  
le tenant en action Real,  
est appel properment vn  
Count.

Nota que le Count ou  
declaration doit contene  
demonstration, declara-  
tion & conclusion. Et en  
demonstration sont con-  
teines troyes choses (cest  
adire) que se pleint, &  
deuers que, & de quel  
chose, & en le decla-  
ration doit estre com-  
prise coment & en quel  
manner le cause del action

**D**Eclaration, is a shew-  
ing in writing of the  
grieve & complaint of the  
demandant or plaintife  
against the tenant or de-  
fendant wherein he sup-  
poseth to haue receiued  
wrong, & this declaration  
ought to be plain and cer-  
taine, both because it im-  
peacheth the defendant or  
tenant, & also compelleth  
hun to make answer ther-  
to. But note that such de-  
claration made by the de-  
mandant against the te-  
nant in an action Real, is  
properly called a Count.

Note that the Count or  
declaration ought to con-  
tein demonstration, decla-  
ration, & conclusion. And  
in demonstration are con-  
teined 3. things, (that is  
to say) who hun complai-  
neth and against whom, &  
for what matter, & in the  
declaration what ought to  
be comprised, how and in  
what manner the action  
rose

rose betwene the parties, surdit enter les parties, & and whe, & what day, pere, quant & quel iour, an, & and place, and to whom lieu, & a que l'acion serra the action shall be giuen. done.

And in the conclusion, Et en perclose il doit auer he ought to auerre & pro- uerre & profer de prouer fer to proue his sute, and son suit & monstra les da shew the damage which he mages qu'il il susteine per hath sustained by & wrong le tort a luy fait. done vnto him.

147 Dedimus pote-  
statem.

Dedimus potesta-  
tem.

Dedimus potestatem, is a writ, and it lyeth where a man sueth in the Kings Court, or is sued, & may not well trauell, then he shall haue this writ directed to some Justice, or other discret person in the Countrey to giue to him power to admit some man for his Atturney, or to leuie a fine, or to take his confession or his answer, or other examination as the matter requireth.

Dedimus potestatem, est vn brieve, & gist lou vn hom sua in le court le roy, ou est sue & ne puit bien traueiler, donques il auera cest brieve direct a ascu Justice ou auter discret person en le payes de doner a luy power pur admit ascun pur son Atturney, ou de leuie fine, ou de prender son confession, ou son respons, ou au examination come le matter require.

148 Defendant.

Defendant.

Defendant, is hee that is sued in action personal, and hee is called tenant in an action Reall.

Defendant, est celuy que est sue en action personnel, & est appel tenant en vn action Reall.

149 Defence.

Defence.

Defence, is that which the defendant ought to make

Defence, est ceo que le defendant doit fayre  
im-



### The Exposition of

immédiatement apres le count ou declaration fait, cest adire, que il defendra tout le tort, force, & damage, lou & quant il deuera, & donques de procede ouster a son plee, ou de imparler.

Et nota, que entant que il defend tort & force il se excuse del tort vers luy surmise, & fait se partie al plee, & per tant que il defende les damages, il affirme le partie plainfise able deste respōdue.

Et pur le residue del defence, il accepte le power del court de oyer & determiner les pleges de cel matter. Car sil voile pleder al Iurisdiction, il doit omitter in son defence les parols (ou & quaut il deuera) & sil voile monstre aucun disability en le palaintise, & demaunde iudgement si le partie serra respōdue, donquez il doit omitter le defence del damage.

immediately after the count or declaration made, that is to say, that he defendeth all the wrong, force, and damage, where and when he ought, and then to proceed farther to his plee, or to imparle.

And note that in so much that he defendeth force and wrong, hee doth excuse himself of the wrong against him surmised, and maketh him partie to the plee, and in so much that he defendeth the damage, he affirmeth the partie plaintife able to bee answered vnto.

And for the residue of the defence, hee accepteth the power of the Court to heare and determine their pleges of this matter. For if he will plead to the Jurisdiction, hee ought to omit in his defence these wordes (ou & quaut il deuera.) And if hee will shew any disability in the plaintife, and demaunde iudgement if the partie shall be answered vnto, then he ought to omit the defence of the damage.

150 Demaundant.

Demaundant.

**D**Emaundant, is hee that sueth or complaineth in an action Real for title of land, & he is called plaintife in an Assise, and in an action personall, as in an action of debt, trespass, deceit, detinue, and such like.

**D**Emaundant, est celuy que sue ou complainte en action Real pur title de terre, & il est appel plaintife en vn Assise, & en vn action de dette, trespass, disceit, detinue, & tiels semblables.

151 Demaines.

Demaines.

**D**emaines, or demesnes, generally speaking according to the Law, be all the parts of any manour which be not in the hands of Freeholders of estate of inheritance, though they be occupied by Copyholders, Lessees for yeeres, or for life, as well as tenant at will: But especially to speake, Demaines according to the common speech be onely vnderstood the Lordes chiefe manors place, which hee and his auncestours haue from time out of minde, kept in their own hands, and haue occupied the same, together with all buildings and houses

**D**Emaines, ou demesnes, generalment a parler selonque le ley sont tous les parts de aucun manour quel ne sont en maines del Freeholders destate de inheritance, coment soient occupies per tenant per copie de court Roll, Lessees pur ans, ou pur vie, cibien come tenant a volunt: Mes specialment a parler, Demaines selonq; le common parlans sont solement entende le principall manour place del Seignior, que il & ses auncestours ont eue de temps hors de memorie en leur maines demesne, & oune occupie ceo, ensemble oue tous edifices & meafons que

The Exposition of :

quecunque: Et auxy les whatsoener: Also the mea-  
prees, pastures, boys, ter- dowses, pastures, woods,  
res eyrable, & tiels sem- eyrable land, and such like  
blables oue ceo occupie. therewith occupied.

152 Demy sanke ou  
sanguie.

**D**emy sanke, est quant vn  
home marie vn feme, &  
ad issue per luy vn fils ou  
file, & le feme morust, &  
donques il prist vn auter  
feme, & ad per luy auxy  
vn fils ou file. Ore ceux  
fils sont solonque vn man-  
ner freres, ou come ils sont  
appelles demy freres, ou  
freres del demy sanke, cest  
adire frere per le part de  
pier, pur ceo que ils ont  
ambideux vn pier, & sont  
ambideux de son sanguie,  
& nemy freres per le part  
le mere, ne de aucun sanke  
ou kin cest voy, & pur ceo  
lun de eux ne poit este  
heire al auter, car il que  
voile claime come heire al  
vn per discent, doit este  
dentier sanke a luy de que  
il claime. En mesme le  
manner est si feme eyt di-  
uers issues per diuers ba-  
rons, qui fratres vterini  
dicuntur.

Halfe blood.

**H**Alfe blood, is when a  
man marrieth a wife, &  
hath issue by her a sonne oz  
daughter, and the wife dy-  
eth, and then he taketh an  
other woman, and hath by  
her also a son oz daughter.  
Now these two sons are  
after a sort brothers, oz as  
they are termed halfe bro-  
thers, oz brother of the  
halfe blood, that is to say,  
brother by h fathers side,  
because they had both one  
father, and are both of his  
blood, and not brothers at  
all by the mothers side, nor  
of blood ne kin that way,  
& therefore the one of them  
cannot be heire to other,  
for he that will claime as  
heir to one by discent, must  
be of whole blood to him  
from whom he claimeth.  
In the same manner it is  
if a woman haue diuers  
issues by diuers husbands,  
who are called brothers  
by one mother.

152 Demurrer.

**D**emurrer, is when any action is brought, & the defendant pleadeth a plea, to which the plaintiff answers, that he will not answer, for that it is not a sufficient plea in the law, & the defendant saith to the contrary, that it is a sufficient plea, and thereupon both parties do submit the cause to the judgement of the court, then that is called a Demurrer, for that they go no forwarder in pleading, but abide upon the judgement of that point, and is said in the Latine used in the Records, Moratur in lege.

Demurrer.

**D**emurrer, est quāt ascun action est port, & le defendant plede vn plee a que le plaintife dit que il ne voile responder, pur ceo que il nest sufficient plee en ley, & le defendant dit al contrarie, que il est sufficient plee, & sur ceo ambeux mitteront le cause al iudgement del Court, donques ceo est appell'vn Demurrer, pur ceo que ils ne vont ouster en pleading, mes demurrer sur le iudgement de cel point, & dicirur en Latin vse en les Records, Moratur in lege.

154 Denizen.

**D**enizen, is where an alien bozne becōmeth the Kings subject, & obtaiñeth the R. letters patents for to enioy all priuiledges as an English man, but if one be made Denizen, he shall pay customes, and diuers other things as aliens, as it appeareth by diuers statutes thereof made.

Denizen.

**D**enizen, est lou alien nee deuient le subiect le Roy, & obtaine le letters patents le Roy pur enioy tous priuiledges, come vn home Anglois: Mes si vn soit fait Denizen, il payera customes, & diuers autres choses come alien, come appiert per diuers statutes de ceo fait.

# The Exposition of

155 Deodand.

**D**Eodand, est quant aſ-  
cun home per misfor-  
tune est occide per vn chi-  
ual, ou per vn charret, ou  
per autre chose que moua  
en aydant de mort, don-  
ques cel chose que est le  
cause de son mort, que al  
temps de la misfortune  
moua, serra forfeit al Roy,  
& ceo est appel Deodāde,  
& ceo perteigne al Alme-  
ner le Roy pur disposer en  
almes & acts de charitie.

Deodand.

**D**Eodand, is when any  
man by misfortune is  
slaine by a horse, or by a  
cart, or by any other thing  
that moueth to further the  
death, then the thing that  
is cause of his death, and  
which at the time of his  
misfortune did moue, shall  
be forfeit to the King, and  
that is called Deodande,  
and that pertaineth to the  
kings Almoner, for to dis-  
pose in almes and deedes  
of charitie.

156 Departure de son plee  
ou matter.

Departure from a plee  
or matter.

**D**Eparture de son plee ou  
matter, est lou vn home  
plede vn plee en barre, &  
le plaintife replie a ceo, &  
il apres en son reioinder  
plede ou monstre autre  
matter, contrarie ou nient  
pursuant a son primer plee  
en barre, ceo est appel vn  
departure de son barre  
&c.

**D**Eparture from a plee or  
matter, is where a man  
pleadeth a plee in barre, &  
the plaintife replyeth ther-  
to, & he after in his reioyn-  
der pleadeth or sheweth  
an other matter, contrarie  
or not pursuing to his  
first plee, that is called a  
Departure from his bar,  
&c.

157 Departure en spite  
del Court.

Departure in despite of  
the Court.

**D**Eparture en spite del  
Court, est quant le te-

**D**Eparture in despite of  
the Court, is whē tē-  
nant

nant oz defendant appeareth to the action brought against him, & hath a day ouer in the same Terme, oz is called after, though he had no day giuen him, so that it bee in the same terme, if he do not appear but make default, it is a departure in despite of the Court, and therefore hee shall be condemned.

nant ou defendant appeare al action port enuers luy, & ad iour oulter en mesme le terme, ou est demaunde apres, coment nul iour soit a luy done, issint que soit en mesme le terme, sil ne appeare mes fait default, cest vn Departure en despite de Court, & pur ceo il sera condemne.

158. Deputie.

Deputie, is he that occupieth in another mans right, whether it be office, oz any other thing els, and his forfaiture oz misdemeanor shall cause the officer, oz him whose deputy he is, to loose his office oz thing. But a man cannot make his deputy in all cases, except the graunt so be: as if it be with these oz such like wordes, to exercise oz vse by himselfe oz his sufficient deputie, oz if the wordes goe further, to himselfe oz his deputie, oz the deputie of his deputy, then he may make a deputie, and his deputie also may make a deputie, oz els not.

Deputie.

Deputie est celuy que occupia en aut droit, soit ceo office ou ascun auter chose, & son forfaiture ou misdemeanor causera l'officer ou celuy que deputy il est de perdre son office ou chose. Mes vn ne poit faire son deputie en tous cases, nisi le graunt soit issint: si come il soit oue ceux ou tiels semblables parolx, exercendo per se, vel sufficientem deputatum suum, ou si les parolx va ouster, p se vel deputatum suum, aut deputat' deputati, donques il poit faire vn deputy, & son deputy auxy poit faire vn deputy, auterment nemy.

159

Det.

**D**Et est vn briefe, & gift  
lou ascun summe dar-  
gent est due a vn per rea-  
son de accompt, bargaine,  
contract, obligatiō, ou au-  
ter especialtie, a eitre pay a  
ascun certaine iour, a quel  
iour il ne paie pas, don-  
ques il auera cest briefe.  
Mes si ascun summe de ar-  
gent soit due a ascun Seig-  
niour per son tenant, pur  
ascun rent seruice, le Seig-  
nior ne vnques auera acti-  
on de det pur ceo, mes il  
couient tous foits distraire  
pur ceo. Auxy pur rent  
charge ou rent seck, quel  
home ad pur terme de son  
vie, en taile, ou en fee, il  
nauera action de det cy  
longe come le rēt endure,  
mes ses executors poient  
auer vn action de det pur  
les arrerages de ascun des-  
diē rēts due en le vielour  
testator, per le estatute 32.  
H.8. cap. 37.

Mes ples arrerages de  
rent reservee sur vn lease  
pur terme de ans, le lessor  
est a son election de auer  
action de det, ou pur di-  
strainer: Mes si le lease soit

Debt.

**D**Ebt is a swit, and it li-  
eth where any summe  
of money is due to a man  
by reason of account, bar-  
gaine, contracts, obliga-  
tion, or other especialty, to  
be payed at a certaine day,  
at which day hee payeth  
not, then he shall haue this  
swit. But if any summe of  
money be due to any Lord  
by his tenant for any rent  
seruice, the Lord shall ne-  
uer haue action of debt for  
that, but it behooueth him  
alway to distraine for it.  
Also for rent charge or rēt  
seck, which any man hath  
for life, in taile, or in fee, he  
shall not haue any action  
of debt as long as the rent  
continueth, but his execu-  
tors may haue an action  
of debt for the arrerages  
of any of the said rents due  
in the life of their testator  
by the Statute 32. H.8.  
cap. 37.

But for the arrerages  
of rēt reserved by a lease  
for terme of yeares, the less-  
or is at his electiō to haue  
an action of debt, or for to  
distraine: but if the lease bee  
detera

determined, then hee shall not distraine after for that rent: But hee must haue an action of debt for the arrearages.

And note, that by the law of the realme, debt is onely taken to arise vpon some contract or penaltie imposed by some statute or pain, and not by other offences: as in the Ciuil law, *Debitum ex delicto*.

160 *Deuistuerunt bona testatoris.*

**D**Euistauerunt bona testatoris, is when the executors will deliuer the legacies that their testator hath giuen, or make restitution for wrong done by him, or pay his debts due vpon contracts, or other debts vpon specialties, whose dates of paymēt are not yet come to. And keep not sufficiēt in their hands to discharge those debts vpon records or specialties that they are compellable formerly by the law to satisfy, the, they shalbe constrained to pay of their own goods those duties, which at the first by the law they were compelled to pay, according

determin, donjs il ne distraînera aps pur cel rent: Mes court luy dauer vñ action de debt pur les arrearages.

Et nota, q p le ley del Realme, debi est solement pris de surdei sur ascū contract ou penaltie imposee par aucun statute ou paine, & nemy par auter offences: come en le Ciuill ley, *Debitum ex delicto*.

*Deuistuerunt bona testatoris.*

**D**Euistauerunt bona testatoris, est quat les executors voyl: deliuer les legacies que leur testatour ad bone, ou faire restitution pur torts faits p luy, ou pay ses detts due sur contracts ou auters detts due sur specialties, q iours de pay int ne sont vñcore venus, &c. Et ne gard sufficiēt en leur mains pur discharger ceux behts sur records ou specialties, que ils sont compellable primerment p le ley de Crissher, donjs ils seront constraind de payer de leur biens de mesme si ceux dueties, le quel al primes p le ley ils furent compelles d payer, accordāt



# The Exposition of

al value de ceo que ils deliueront ou pay sans compulsion, car tiels paiemens de debts, ou deliuey de legacies, come est auantdit, deuant debts paies sur specialties ou records, q̄l iours de paim̄t sont a ore venus, sont account en le ley vn vastant des biens del testator, cy taunt come si ils ad done eux sauns cause, ou vendeur & conuert a lour proper vse.

to the value of that which they deliuered or paid by compulsion, for such payments of debts, or deliuey of legacies, as is aforesaid, before debts paid by specialties or records, whose dayes of payment are already come, are accounted in the law a wasting of the goods of the testator, as much as if they had given the away without cause, or sold them and converted them to their own use.

161

Deuise.

**D**euise est lou vn home en son testament, done ou graunt ses biens ou ses terres a vn autre apres son decease. Et lou tiel deuise, est fait des biens, si les executors ne voient deliuer les biens ou autres chattels personnels a le deuisee, le deuisee nad remedie per le common ley: Mes il conuient de auer vn Citation vers les executors le testator dappeare deuant le Ordinarie, de monstre pur quoy il ne persourma le volunt le Testator, car le deuisee ne poit

Deuise.

**D**euise, is where a man in his testament, giueth or bequeatheth his goods or his landes to an other after his decease. And where such deuise is made of goods, if the executors will not deliuer the goods or chattels personals to the deuisee, the deuisee hath no remedy by the common law: but it behooueth him to haue a Citation against the executors of the testator, to appeare before the ordinarie, to shew why he persourmeth not the will of the testator, for the deuisee may not

not take the legacie and serue himseife, but it must be deliuered to him by the executors.

pender le legacie & luy meisme seruer, mes il doit estre deliuer a luy per les executors.

But by the cōmon law, if a man be sole seised of lands in his demesne as of fee, & deuise the lands by testamēt, this deuise was void, vnlesse the lāds were in Citie or borough where lands be deuisable by custome. But if any man were infeofee to the vse of an other and his heires, & he to whose vse he was so seised did make deuise of his lands, this deuise was good, though it be not in a Towne where lands are deuisable.

Mes per le common ley, si home fuit sole seisie de terres en son demesne come de fee, & deuise les terres per son testamēt, cest deuise fuit void, sinon les terres fueront en vn Citie ou Borough lou terres sont deuisable p custome. Mes si ascun home fuisset enfeofee al vse dun auter & ses heires, & cestuy a que vse il fuit issint seisie teloit deuise de ses terres, cest deuise fuit bone, coment que il ne fuit en ville lou terres sont deuisable.

Also if any man deuise lands in Citie, towne, or Borough deuisable, and the deuise dyeth, if his heire or any other abate in the lands, then the deuisee shall haue a writ of Ex graui querela: But this writ shall neuer be pleaded before the kings Iustice, but alwaies before the Mayor or Bailifes in the same towne.

Auxy si ascun home deuise terres en City, ville, ou borough deuisable, & le deuiseur deuie, si son heire ou ascun auter abate en les terres, donques le deuisee aua brief de Ex graui querela: Mes cest brief ne ferra iammes plede deuant le Iustice le Roy, mes tous toits deuant le Maior ou Bailifes in le ditte ville.

And here to the end to shew how much is lapsed of

Et ore al fine de mon-  
strer quaut les ley de  
I ij. cest

# The Exposition of

cest Realme, & les discreet  
Iudges de ceo, queux  
sont les interpreters de le  
ley, ont fauour voluntés  
& testaments, & assint  
deuises en yeelding al eux  
riel reazonable constructi-  
on, come ils pensant poit  
bien agreer oue les men-  
tez de les moits, confide-  
rantes que volüts & testa-  
ments sont pur le plus part,  
& per common intende-  
ment fait quant le testa-  
tour est ore en graund  
langor, feeble & passa tout  
esperans de recouerie, car  
il est vn opinion en le paies  
enter le greinder number,  
que si vn home per chance  
soit cy prudent come de  
faire son volunt en son  
bon santie, quaut il est  
strong, de bon memorie,  
& ad temps & opportuni-  
tie, & poit demund coun-  
sel si ascun doute soit de  
le learned, que donques il  
ne doit viuer long apres, &  
pur ceo ils ceo deferre tã-  
q̃tiel tẽps q̃nt ceo soit plus  
conuenient de aplier eux  
mesmes ale disposition de  
lour almes, q̃ de lour fres  
& biens, sinon q̃ il soit q̃ p

this Realme, and the  
wise discrete Judges of  
the same, who are the in-  
terpreters of the Law, do  
fauor wils & testaments,  
and so deuise in yeelding  
to them such a reasonable  
construction, as they thinke  
might best agree with the  
mindes of the dead. consi-  
dering that wils and Te-  
staments are for the most  
part, and by common in-  
tendment made when the  
testator is now very sicke,  
weake, and past all hope  
of recouerie, for it is a  
receiued opinton in the  
Countrie amonge most,  
that if a man should chace  
to be so wise, as to make  
his wil in his good health,  
when hee is strong, of  
good memorie, & hath time  
and leasure, and might  
aske counsell if any doubt  
were of the learned, that  
then hee should not liue  
long after, and therefore  
they defer it, to such time,  
when as it were more  
conuenient to apply them-  
selues to the dispositions  
of their soules, then of  
their lands or goods, ex-  
cept it were that by the

frech

fresh memorie, and recit-  
tail of them at that time, it  
might bee a cause to put  
them in minde of some of  
their goodes oz landes  
falsly gotten, and so moue  
them to restitution, &c.  
And at that time the pen-  
ning of such Wille's are  
commonly committed to  
the Minister of the pa-  
rish, oz to some other moze  
ignozant then hee, who  
knoweth not what wordes  
are necessarie to make an  
estate in fee simple, fee tail,  
for terme of life, oz such  
like, besides many other  
mischiefes: I will there-  
fore here set down some of  
those cases that are most  
cōmon in ignozant mens  
mouehes, and doe carrie  
by the wise interpretati-  
ons of the Judges, as is  
aforesaid, a larger and a  
moze fauorable sence in  
wills then in dedes.

First therefore if one de-  
uise to J. S. by his will  
all his lands & tenements,  
here not only al those lāds  
that he hath in possessiō do  
passe, but also those that he  
hath the reuerfion of by  
vertue of these wordes te-

fresh memory, & recitall  
de eux a cest temps, il poit  
estre vn cause de mitir eux  
en ment de aucun de leur  
biens ou terres fausement  
purchase & issint moue  
eux al restitution, &c. Et a  
cest temps le escripture de  
tiels volunts sont commu-  
nement cōmit al minister  
del paroch ou al aucun au-  
ter plus ignorant que luy  
que ne scauoit queux pa-  
rols sont necessary p hāire  
vn estate en fee simple, fee  
taile, pur terme de vie, ou  
tiels semblables, preter di-  
uers auter mischiefes: Ieo  
voyle pur ceo mis cy ascū  
de ceux cases queux sont  
plus common en les tou-  
ches de les ignorant hōes  
& portent per le scauient  
interpretatiōs de les Iud-  
ges, come est auandir, vn  
large & p'us fauorable  
sence en Volunts que en  
Faits.

Et pur ceo primerment  
si vn deuise al I. S. per son  
volunt, toutes les terres &  
tenements, icy non solemt  
tous ceux t'res que il ad en  
possessiō passont, mes auxy  
ceux de q'il ad le reuerfion  
p vertue de ceux parolx te-

I. iij. nements.

## The Exposition of

nements.

Et si terres sont deuise a vn home a auer a luy imp-  
petuum, ou auer a luy &  
ses assignes, in ceux deux  
cales le deuisee auera fee  
simple. Mes si soit done p  
feoffement entiel maner,  
il nad forsque estate pur  
terme de vie.

Auxy si vn home deuise  
ses terres al auter, pur do-  
ner, vender, ou faire de ceo  
a son volunt & pleasure,  
cest fee simple.

Vn deuise fait al vn & a  
ses heires males fait vn es-  
tate tale: mes si tiels pa-  
rolx sont miz en vn fait de  
feoffement, il serra prise  
fee simple, pur ceo que il  
nappiert de que corps les  
heires males serra ingen-  
dre.

Si terrez sont done per  
fait al I. S. & a les heires  
males de son corps &c. q  
ad issuefile, que ad issue  
fites, & morust, la le terre  
reucitera al donour, & le  
fiz del ale nauera ceo, pur  
ceo que il ne poit a luy  
mesme conueier p heires  
males, car la mere est  
vn obstacle a ceo: Mes

nements.

And if lands be deuised  
to a man, to haue to him  
for euer, or to haue to him  
& his assignes, in these two  
cases the deuisee shall haue  
a fee simple. But if it be  
giuen by feoffement in such  
maner, he hath but an es-  
tate for terme of life.

And if a man deuise his  
lands to an other, to giue,  
sell, or do therewith at his  
pleasure or will, this is fee  
simple.

A deuise made to one, &  
to his heires males doth  
make an estate tale: But  
if such wordes be put in a  
deed of feoffement, it shall  
be taken a fee simple, be-  
cause it doth not appere  
of what body the heires  
males shall be begotten.

If landes be giuen by  
deed to J. S. and to the  
heires males of his bodie  
&c. who hath issu a daugh-  
ter, who hath issue a son, &  
dyeth, there the land shall  
returne to the donour, and  
the sonne of the daughter  
shall not haue it, because  
he cannot conuey himselfe  
by heires males, for his  
mother is a let thereto, but  
other

otherwise it is of such a devise, for there is son of the daughter shall have it rather than the son shall be void.

If one devise to an Infant in his mothers belly, it is a good devise, otherwise it is by feoffment, graunt, or gift, for in those cases ther ought to be one of ability to take presently, or otherwise it is void.

A devise made in fee simple without expresse words of heires, is good in fee simple.

But if a devise be made to A. R. he shall have the land but for terme of life, for those words will carry no greater estate.

If one will that his son shall have his land, after the death of his wife, here the wife of the deviser shall have the land first for term of life. So likewise if a man devise his goods to his wife, & that after the decease of his wife, his son & heire shall have the house where the goods are, there the son shall not have the house during the life of the wife, for it doth appear that his intent was, that his wife

auterment est de tiel devise, car la le fils del fille ceo auera plustost que le volunt serra void.

Si vn devise al enfant en ventre matris suz, cest bon devise, auterment est p feoffement, graunt, ou done, car en ceux cases il doit estre vn del habilitie pur preder maintenant, auterment il est void.

Vn devise fait en fee simple sans expresse parols del heires est bone en fee simple.

Mes si vn devise soit al I. N. il auera les terres fors que pur terme de vie, car ceux parols ne voient porter greinder estate.

Si vn voyle q son fils I. auera son terre puis le mort sa feme, icy le feme le deuifor aua le terre primes pur terme de sa vie. Mais si home devise ses biens a sa feme, & que apres le decease de son feme, son fils & heire auera le meason, ou les biens sont, la le fils nauera le meason, durant le vie de le feme, car il appiert que son intent fuit, que sa feme

I hij, dois

# The Exposition of

doit auer le meison auxy  
pur terme de la vie, nient  
obstant il ne fuit deuise a  
ley per expresse parols.

Si vn deuise soit al I.N.  
& a les heires females de  
son corps engendres, apres  
le deuisee ad issue fires &  
file, & morust, icy le file a-  
uera le terre, & nemy le  
fies, & vncore il est p'uis  
digne person, & heit al son  
piere, mes pur ceo que vo-  
lunt dei mort, est que le file  
doit ceo auer, ley & consci-  
ence voet issint auxy.

Et en cest point les hea-  
then fueront precile, come  
appiert per ceux verses de  
Octauus Augustus q' Do-  
natus report il tesoi. apres  
q' Virgil a son mort donoit  
commandeint, que ses li-  
uers doivent est e cōbare,  
pur ceo que ils fueront im-  
perfect, & vncore ascuns  
persuadont que ils doient  
estre saue, come en fait ils  
happiment fueront, a que  
il respond issint: Sed le-  
gum seruatiōe fides, supre-  
ma voluntas: Quod man-  
dat, fieri que iuber, parere  
necesse est.

should haue the house also  
for terme of her li'e, notwithstanding it were not deuised  
to her by expresse words.

If a deuise be to A.D.  
and to the heires females  
of his bodie begotten, af-  
ter the deuisee hath issue a  
sonne and daughter, & dy-  
eth here the daughter shall  
haue the land, and not the  
son, and yet he is the most  
worthy person, & heire to  
his father, but because the  
will of the dead is, hat the  
daughter should haue it,  
law & conscience will so also.

And herein the hea-  
thens were precile, as ap-  
peareth by those verses of  
Octauus Augustus which  
Donatus reporteth hee  
made after that Virgil at  
his death gaue commande-  
ment, that his bookes  
should be burnt, because  
they were imperfect, & yet  
some perswaded that they  
should be saued, as indeed  
they happily were, to whō  
he answered thus: But  
faith and law must needs  
be kept, and what last will  
doth say: And what it doth  
command bee done, that  
needs we must obey.

163 Diem clausit extre-  
mum.

**D**iem clausit extremum, is a writ, & it lyeth where the kings tenant that holdeth in chiefe dyeth, this writ shall be directed to the Escheator, to enquire of what estate he was seised, and who is next heire, and his age, & of the certaintie of the land, and of what value the land is, and of whom it is holden, and that inquisition shal be returned into the Chancery, which is commonly called, The office after the death of that person, And there is an other writ of Diem clausit extremum, awarded out of the Exchequer, after the death of an accomptant or debtor of his Maistie, to leue the debt of his heire, executor, administrators, lands or goods.

Diem clausit extre-  
mum.

**D**iem clausit extremum, est vn brieve, & gitt lon le tenant le Roy, que tient en chiefe mortu, donque cest brieve sera direct al escheator denquiter de quel estate il fut seise, & que est prochein heire, & de quel age, & de la certaintie del terre, & de quel value le fere est, & de que ceo est tenu, & cel inquisition serra retourne en le Chancery, & est communement appelle, Le office apres le mort del tiel person. Et est auer brieve de Diem clausit extremum award hors del Exchequer apres mort del vn accomptant ou debitor al Roy, a leuier le debt de son heire, executor, administrators, terres ou biens.

Discent.

163 Discent.

**D**iscent, is in 2. sorts, either lineal or collateral. Lineal discent is when a discent is conveyed in the same line of whole blood, as Grandfather, Father,

**D**iscent, est en 2. sortes, ou lineal, ou collateral. Lineal discent, est quante le discent, est conveye en mesme le lyne dentyer sangue, come ayle, peere, his,



The exposition of

fits, fits del fits, & issint de-  
bassa.

Collateral discent, est  
dehors en vn autre branch  
de haut denuer sangue  
come le frere del ayle,  
frere del peere, & issint de-  
bassa.

Nota que si vn deuie sei-  
sie en fee, ou en taylor, de fe-  
re en quel autre ad droit  
denter, & ceo discend a son  
heire, tiel discent tollera  
lentre de cestuy que droyt  
auoit denter, pur ceo que  
le heire ad ceux per le dis-  
cent de son pere, & issint vi-  
ent a les tenemens per act  
de ley, & cestuy que droyt  
ad ne puit luy ouster p en-  
tre sur luy, mes est mise de  
suer son brieve a demaund  
le terre solong; le natu<sup>r</sup> de  
son title. Vide de ceo Lit-  
leton liur 3. cap. 6. & stat  
3.1.H.8.cap.33.

sonne, sonnes sonne, and  
so downeward.

Collateral discent, is out  
in another branch of a one  
from aboue of the whole  
blood, as Graundfathers  
brother, Fathers brother,  
and so downeward.

Note that if one die sei-  
sed in fee, or in taylor of land  
in which an other hath  
right to enter, & that dis-  
cendeth to his heire, such  
discent shall take away the  
entrie of him which hath  
right to enter, for that that  
the heire hath them by dis-  
cent from his father, & so  
came vnto those tenements  
by the doing of the law, &  
hee that hath right cannot  
put him out by entring  
vpon him, but is put to  
sue his writ to demand  
the land, according to the  
nature of the title. See  
hereof in Littleton lib. 3.  
cap. 6. & stat. 3.1.H.8.c.33.

164 Disclaimer.

Disclaimer.

Disclaymer, est lou le  
Seignieur distraine son  
tenant, & il sua reple-  
uin, & le Seignieur a-  
uoua le prisel, per reason

Disclaimer, is where the  
Lord distrayneth his  
tenant, and he sueth a re-  
pleuin, & the Lord auow-  
eth the taking, by reason  
that

that he holdeth of him, if the tenant say that he disclaimeth to hold of him, this is called a disclaimer, and if the Lord thereupon bring a writ of Right sur disclaimer, and it be found against the tenant, he shall lose his land. Also if one bringeth a Precipe against two other for the land, & the tenant disclaimeth and saith, that he is not therof tenant, neither claimeth any thing therein, then the other shall haue the whole land. But if the Precipe be brought against one alone, & he disclaimeth as is aforesaid, the writ shall abate, and yet the demandant may enter into the land, & hold it in his rightfull estate, although his entrie was not lawfull.

que il tient de luy, si le tenaunt dit que il disclame de tener de luy, cest appel vn disclaimer, & si le Seignour sur ceo port brieve de droit sur disclaimer, & il soit trouue encontre le tenant, il perdra le terre. Auxy si vn port vn Precipe vers deux autres pur terre, & le tenaunt disclame & dit que il n'est de ceo tenaunt, ne clame rien en ceo, donques l'auter auera tout le terre. Mes si le precipe soit enuers vn sole, & il disclame, come auant est dit, le brieve abatera, & vncore le demaundant poit enter en le terre, & ceo tener en son droiturel estate coment son entrie ne fuit loyal.

165 Discontinuance.

Discontinuance, is when a man alienateth to another, lands or tenements and dieth, & an other hath right to the same landes, & may not enter into them because of his alienation, as if an Abbot alien the landes of his house to an

Discontinuance.

Discontinuance, est quāt vn home alien a vn autre terres ou tenementes & morust, & vn autre ad droit a mesme les terres & ne puit enter en eux per cause de cel alienation, si come vn Abbot alien les terres de son meason a vn autre

### The Exposition of

auter en fee, ou en fee tail, ou pur terme de vie, ou si vn home alien les terres q il ad en droit sa feme, ou si tenant en taile fait de les terres done a luy & a ses heires de son corps, aucun seffement, done en taile, ou lease pur vie nient garrant per statute 32. H. 8. per fine ou liuery de seisin, donque riels alienatiōs sont appels discontinuance, car riels estates passent toutes foits per liuery & seisin, & en ceux cases le succellour labbe, ne la feme apres le mort son baron, ne l'issue en le taile apres le mort le tenaunt en le taile, ne ceux in remainder ou reuerfion puis le fine del estate taile, ne poient entre mes chescun de eux est mise a son action.

Vide plus de ceo en Littleton lib. 3. cap. 11. & 22. H. 8. cap. 28. que tolle discontinuances p baron seisin en droit son feme.

other in fee, or fee taile, or for term of life, or if a man alien the landes that hee hath in the right of his wife, or if tenaunt in the taile maketh of the landes giue to him & to the heires of his body, any seffement, gift in taile, or lease for life not warranted by the statute 32. H. 8. by fine or liuery of seisin, then such alienations bee called Discontinuance, for such estates passe away by liuery & seisin, & in these cases the succellour of the Abbot, or the woman after the death of her husband, or the issue in the taile after the death of the tenant in taile, nor they haue any remainder or reuerfion after the end of the estate taile, may not enter, but euery of them is put to his action.

See moze hereof in Littleton lib. 3. c. 11. & 32. H. 8. ca. 28. which taketh away discontinuances by the husband seized in right of his wife.

166 Dismes.

Dismes, sont les dismes parts de asc<sup>e</sup> chose, mes propreint de ceux choses

Tiches.

Tiches, are the tenth parts of any thing, but properly of those thinges which

which do increafe, which que encrease, qux p le plus  
for the most part do belong part pertaigne al ministers  
to ministers of the Church delglise pur leur mainte-  
for their maintenance, and nance & ils sont deuidez en  
they be in thre sorts deu- iij. sorts, nosment Prediall  
ded, to wit, prediall tithes, dismes, Parsonel dismes &  
personall tithes, and mixt Mixt dismes, Prediall dis-  
tithes. Prediall tithes are mes sont dismes, que sont  
Tithes that bee paid of paid de choses queux vient  
things that come of the de le terre solement, come  
ground only, as corn, hay, bles, fein, fruitz del arborz  
fruits of trees, & such like. & tiels semblables.

Personall Tithes are Parsonel disme z sont  
tithes to be paid of such disme z q tót paies de tiels  
profits as come by the la- profit z q veigne p le labor  
bor and industrie of mans & industrie del person dun  
person, as by buying, sel- home, come per emption  
ling, gaires of merchan- & vendition, gain de mar-  
dize, and of handycraftes chandize, & de manuel  
men, labourers, and such craftes homes, laborers, &  
as work for hire, as Car- tielz que labor pur salary,  
penters, Masons, & such come Carpenters, Malôs,  
like. & tiels semblables.

Mixt tithes are tithes Mixt dismes sont les dis-  
of calves, lambs, pigs, mes de vitels, agnez, por-  
& such like, that increafe cels & tiels sembl, que en-  
partly of the ground that crease partint del fre, sur q  
they be fed vpon, & partly ils tót depasturez, & part-  
of the keeping, industrie, & int del garding, endustry,  
diligence of the owner. & diligence del owner.

167 Disparagement.

Disparagement.

Disparagement is a shame, D'sparagement, est vn hôte,  
disgrace, or viany done disgrice, ou villanye  
by the Gardeine in Chi- fait per le gardein en Chi-  
ualue

# The Exposition of

ualtie, a son garde en chivalry, effeant deins age per reason de son mariage.

Come quant le gardein marry son ward deins age de xij. ans, & deinz tiel temps que il ne poit consent al mariage, al vn niece, ou al file dun que demurt en vn boiough (que est desle entend tiels que peres professe maincrafts & tiels baser arts de emption & vendition pur gain lour viuer per ceo) ou al vn que ad forsque vn pee, ou vn maine, ou est decreipt, ou deforme, ou aiant horrible disease, come le leprosie, les pocks de franks falling sicknes, ou tiels semblables, ou marrie luy a vn feme que est passe lage de enfanter, & diuers tiels auters, donque sur le complaint fait per les amies de tiel heire, le Seignieur ou gardein perdera le gaidship & les profits durant le nonage de le heire pur le hont fait a luy. Vide Litt. lib. 2. c. 4.

168 Disceisin.

Disceisin, est quaut vn home ent en alcun tres

ualry, to his ward in chivalry, being within age by reason of his marriage.

As when the gardeine doth marrie hys warde within age of 14. yeares, and within such time as he cannot consent to marriage, to a bondwoman, or to the daughter of one that dwelt in a bozough (which is to be vnderstood, such whose fathers professe handycrafts, & those baser arts of buying & selling, to get their lyving by) or to one that hath but one foot, or one hand, or is lame, or deformed, or hath some horrible disease, as the Leprosy, frenchpocks, falling sicknesse, or such like, or marrieth him to a woman that is past child bearing, & diuers such other, then vpon the complaint made by the friends of such heir, the Lord or gardeine shall lose the wardship, & the profits during the nonage of the heir, for the shame done vnto him. See Littleton lib. 2. cap. 4.

Disceisin.

Disceisin, is when a man enters into any landes or

oz tenements, where his entrie is not lawfull, and putteth him out, that hath the fræhold.

ou tenements, lou son entrie nest pas congeable, & ousta celuy q ad le franktenement.

169 Disseisin vpon disseisin.

Disseisin vpon disseisin, is when the disseisour is disseised by an other.

Disseisia sur disseisin.

Disseisin sur disseisin, est quant le disseisour est disseisee per vn autre.

170 Disseisor and disseisee.

Disseisor, is he which putteth a man out of his land without order of the Law. And Disseisee is he that is so put out,

Disseisor & disseisee.

Disseisor est celuy q mist ascun hom hors de son terre sans order de ley. Et disseisee est celuy q est mist mis hors.

171 Disceit.

Disceit, is a writ, and it is sometime original, & sometime iudicial, but where it is original, it lieth where any disceit is done to a man by an other, so that he hath not sufficiently performed his bargain, or not performed his promise, then he is in such manner deceived shall haue this writ.

Also when this writ is iudiciall, it lyeth where a Scire facias is sued out of any record against a man, and the Shyriſe returneth

Disceit.

Disceit est vn brieve, & est ascun foirs original, & ascun foirs iudiciall, mes quant il est original, gist lou ascun disceit est fait a ascun home p vn aut, issint que il nad sufficientment pforme son bargain, ou nient pforme son promise, donques celuy que est en tiel manner disceiue auera cest brieve.

Auxy quant cest brieve est iudiciall, il gist ou Scire facias est sue hors de ascun recorde vers vn, & le Vicount retourne que

## The Exposition of

que il est garnie, ou il ne fut garnie, ou lou vn Precipe quod reddat de plee de terre, ou Quare impedit del presentment al esglise est iue vers vn, & le viconc recurre que le defenlant est summo, per quel disceit & faux retourne le demandant ou plaintiffe recouer, donques le partie grecue auera cest brief vers celuy que recouera, & vers les summoners, & vers le viconc, & donques le briefe fera direct al Coroners de melme le Countie, si il continue viconc que fist le retourne.

that hee is warned where hee was not warned, or where a Precipe quod reddat of a plee of lands, or a Quare impedit of the presentment to a church is sued against one, & the Shurife returneth that the defendant is summoned, where he was not summoned, by which disceit and false returne the demanding or plaintiffe recouere: then the partie grieved shall haue his writ against him that recouered, & against the summoners, & against the Shurife, and then the writ shall be directed to the Coroners of the same countie, if he continue shurife that made the returne.

172

### Distresse.

**D**istresse, est le chose que est prise & distraine, sur ascon terre pur rent arriere, ou pur auter dutie, ou pur tort fait, coment q le proprietie de chose soit perteignant al estrange: Mes si sont auers que perteigne al estrange, il couient que ils sont leuant & couchant sur melme le terre, cest adire, que les auers auoient

Distresse.

**D**istresse, is the thing which is taken and distrained vpon any land for rent behind, or other duty, or for hurt done, although that the proprietie of the thing belongeth to a stranger: But if they be beasts that belong to a stranger, it behoueth that they were leuant and couchant vpon the same ground, that is to say, that the beasts have been

been vpon the ground certaine space, that they haue themselves well rested there, or else they be not distrainable for rent or seruice.

And if one distraine for rent, or other thing without cause lawfull, then the party grieved shall haue a Repleuin, & vpon suertie found to pursue his action, shall haue the distresse to him deliuered again. But there be diuers thinges which be not distrainable, viz. an other mans gowne in the house of a Tailor, or cloth in the house of a Fuller, Sheereman, or weauer, for that they be common Artificers, & that the common presumption is, that such things belōg not to the Artificer, but to other persons which put them there to be wrought.

Also vitail is not distrainable, nor cozne in sheues, but if they be in a cart, for that, that a distresse ought to be alway of such things wherof thirfe may make repleuin, & deliuer againe in as good case as it was at the time of the taking.

elle sur le terre per certaine space que ils ont eux bien repose sur la terre, ou autrement ils ne sont distreinable pur rent ou seruice.

Et si vn distreine purrec ou auter chose sans cause loyal, donques le partie greeue auera vn Repleuin, & sur suertie troue de poursuivre son action, auera le distresse a luy redeliuer. Mes sont diuers choses que ne sont distreinable, viz. roab de auter home en le meason de vn Tailor, ou drape en le meason de vn Fuller, Sheereman, ou Weauer, pur ceo que ils sont common artificers, & q̄ le common presumption est, que tiels choses ne sont perteignant al Artificer, mes al auters persons que eux mittont la a ouerier.

Auxy viand' nest pas distreinable, ne blees en sheues, sinon q̄ ils sont en vn chariot, pur ceo que distres couient estre tous foits de tiel chose dōt le vicōr poit faire repleuin, & redeliuerie en auxy bon case que il fuit al temps del prisel.

K

Auxy



## The Exposition of

Auxy home poit distrain pur homage de son tenant pur fealtie, & escuage, & aufseruices, & pur fines & amerciamtes q̄ sont asselle en vn Lecte, mes nemy en vn Court baron. Et auxy pur damage fefant, cest a dire, quant il troue les beastes oubiens des auters fefant tort ou incumbrant son terre. Mes home ne poit distrain pur aucun rēt ou chose due pur aucun terre, mes sur mesme le terre q̄ est charge ouesque ceo: Mes en case lou ieo veigne a distreiner, & lauer veyant mon purpofe chafes les bealles, ou port le chose dehors, al entent que ieo ne prendra ceo pur distres sur le terre, donques ieo poy bien pursue, & si ieo prite ceo maintenant en le hault chemin, ou en anter soyle, le prisel est loyal, auxy bien la come sur la terre charge, a quecunque la propertie des biens sont.

Auxy pur fines & amerciamtes q̄ sont asselle en vn Lecte, vn poit tous foites prender les biēs celuy que

A man may distraine for homage & fealty, and escuage, & other seruices, and for fines & amerciamentes which bee assessed in a Lecte, but not in a Court baron. And also for damage fefant, that is to say, when he findeth the beastes or goods of any other doing hurt or cumbering his ground: But a man may not distraine for any rent or thing due for any land, but vpon the same land that is charged therewith: But in case wher I come to distreine, and the other seeing my purpofe chafeth the beastes, or beareth the thing out, to the intent that I shall not take it for a distresse vpon the ground, then I may well pursue, & if I take it presently in the high way, or in an others ground, the taking is lawfull, as well there, as vpon the land charged, to whom soeuer the propertie of the goods be.

Also for fines & amerciamentes which bee assessed in a Lecte, one may alway take the goods of him that

is so amerced, in whose ground soener they bee within the iurisdiction of the court, as it is said.

And when one hath taken a distresse, it behoueth him to bring it to the common pound, or else he may keep it in an open place, so that hee giue notice to the party, that he (if he distres be a quick beast) may giue to it fode, and then if the beast die for default of fode, hee that was distrained shalbe at the losse, and then the other may distraine againe for the same rent or dutie. But if hee carry the distresse to a hold, or out of the Countie, that the Shireif may not make deliuerance vpon the Repleuin, then the party vpon the returne of the Shireif, shall haue a writ of Withernam directed to the Shireife, that he take as many of his beastes, or as much goods of the other in his keeping, till hee hath made deliuerance of the first distres. And also if they be in a forllet ou Castle, the Shireife may take with him the power of the

est assinc amerce, en q̄cun-  
que toile que ils sont deins  
le iurisdiction del court, y  
dicitur.

Et quant vn ad prise vn  
distresse, il couient a luy de  
amener ceo al common  
pound, ou autermt il doit  
garder en ouert lieu, assinc  
que il done notice al par-  
tie, que il (si le distres  
soyt viue auers) poyt don-  
ner a luy viand, & don-  
ques si le auers morust  
pur default de viand, ce-  
luy que fuit distrayne serra  
a le parde, & donques lau-  
ter poyt distrayne auter-  
foys pur melme le rent  
ou ductione. Mes sil amesna  
le distresse a vn forllet, ou  
hors del Countie, q̄ le vi-  
cont ne poyt bien faire de-  
liuerance sur repleuin, dō  
q̄s le partie sur le retourne  
del Vicont auera vn brieve  
de Withernam direct al  
Vicont, que il prendra tant  
de ses auers, ou tant des  
biens l'auter en son garde,  
tanq̄ il ad fait deliuerance  
de le primer distres. Aũx  
si sont en vn forllet ou Ca-  
stel, le Vicont poyt pren-  
der oue luy le power del  
Kij. Coun.

### The Exposition of

Couſtie, & abater le caſtel.  
Come appiet: per leſtatut  
Weſt. 1. cap. 17. Ideo vide  
Statutum.

173

Diuorce.

**D**iuorce iſſint appell de  
Diuortium, veniens del  
verbe Diuerto, que ſignifie  
de retourner arere, ceſt eſt  
uſe en ley quauant vn home  
eſt ſeperate de ſa feme, il  
luy retourne arere a ſa pere,  
ou auter amies, ou al lieu  
del que il luy ad, & per tiel  
diuorce le mariage eſt de-  
ſteate & deſtroy.

County, & beat doſone the  
caſtle. As it appeareth by  
the ſtatute weſt. 1. cap. 17.  
therfoze looke the ſtatute.

Diuorce.

**D**iuorce, ſo called of Di-  
uortium, comming of  
the verbe Diuerto, which  
ſignifieth to returne back,  
it is uſed in the laſw when  
a mā is diuorced from his  
wiſe, he turneth her backe  
home to her father oz other  
friendes, oz to the place  
from whence he had her, &  
by ſuch diuorce the marri-  
age is defeated & vndone.

174 Donor & Donee.

**D**onor eſt celuy q̄ done  
terres ou tenements al  
auter en taile, & celuy a  
que il eſt done eſt appell  
Donee.

Donor, and Donee.

**D**onor, is hee which gi-  
ueth lands & tenements  
to another in taile, and hee  
to whom the ſame is gi-  
uen is called Donee.

175 Double plea.

**D**ouble plea, eſt lou le  
defendaunt ou tenaunt  
en aucun action plede vn  
plee, en que deux matters  
ſont comprehendus, &  
cheſcun per luy meſme eſt  
vn ſufficient barre ou reſ-  
pons al action, donques  
tiel double plea ne ſerra  
admit pur plea, ſinon q̄ vn

Double plea.

**D**ouble plea, is where  
the defendaut oz tenant  
in any action pleadeth a  
plee, in ſ which two mat-  
ters be comprehendeds, &  
euery one by himſelfe is a  
ſufficient barre oz answer  
to the action, then ſuch a  
double plea ſhall not be ad-  
mitted for a plea, except one  
depend

depend vpon an other, and in such case if hee may not haue the last plee without the first plee, then such a double plee shall bee well suffered.

depend sur l'autre & en tiel case si il ne poyt auer le darreine plee sauns le primer plee, donques tiel double plee sera bien suffer.

176 Dower.

Dower.

**D**Ower, by the law of the

Realme, is a portion which a widow hath of the lands of her husband, which by the common law is the third part, and by her husbands assignment by his fathers assent at the church doze, she may haue somuch of his fathers lands, as is so assigned, & so of the husbands assignment of part of his own land. And dower by the custom of some places, is to haue halfe the husbands lands. And also Dower is a writ, and it lyeth where a man is sole seised during the coverture betwene him and his wife, of lands or tenements in fee simple, or fee taile, where by possibilitie the issue betwene them may inherite, if such a man die, his wife shall recover the

**D**Ower, per le ley del

Realme, est portion q'il feme ad del terres le baron quel per common ley, est le tierce part, & per assignement del baron passent son pere al huis del esglise, & poit auer tant del terre son pere come est issint assigne, & issint del assignement del baron del part son terre demesne. Et Dower per custome de aucun lieux est d'auer le moitie del terre le baron. Et auxy Dower est vn brieve, & gist lou home est sole seise durant le couverture perenter luy & sa feme, de terres ou tenemenres en fee simple, ou fee taile, lou per possibilitie le issue enter eux poyent inheriter, si tiel home decie, sa feme recouera la

Kij.

tierce

The exposition of

tierce part de tous les terres dont le baron fut sole seisie aucun temps durant le couerture per brie'e de Dower vnde nihil habet, mesque il ne morust seisie & mesque il ad fait alienation de ceo en sa vie.

third part of all the lands whereof the husband was sole seised any time during the couerture by a writ of Dower vnde nihil habet, though he died not seised, and though that hee made alienation thereof in his life.

Mes si home deuant le Statute de Vses 27.H.8.ad terres, en q'ux autre home, ou autres homes fueront seisies a son oeps tous foits durant le couerture, & cestuy a que oeps ils fueront seisies deue deuaunt le dit Statute, la feme ne serroit endow.

But if a man befoze the Statute of Vses 27.Hen 8, had lands, in the which another man, or other men were seised to his vse alwayes during the couerture, and he to whole vse they were seised dyeth befoze h' said Statute, his wife shall not be indowed.

Et auxy si deuaunt le dit Statute deux homes sont seisies de terre al oepz de vn de eux & cestuy a q' oeps &c. deuy deuaunt le dit Statute la fem ne sera indow. Auxy si feme port b'e de Dower, el recoit damages, par le profit incurrus aps le mort le baron sil morust de ceo seisie, mes si aucun alienation en estat soit fait durant le couerture, insint que le baron ne morust seisie, donques mesque el reconera

And also if befoze the said Statute two men be seised of lands to the vse of one of them, & hee to whole vse &c. dieth befoze the said Statute, his wife shall not be indowed. Also if a woman bring a writ of Dower, she shall recover damages, for h' profit run after h' death of her husband, if hee dieth thereof seised, but if any alienation or estate were made during h' couerture, so that the husband dyed not seised, then though shee shall recover the

the land, yet shee shall recover no dammages. Also there is an other sort of Dower, called a sort of Right of Dower, and it lieth where a woman hath recovered part of her dower in one towne, & the other part she is to recover. Also in diuers cases a woman shal not haue dower, as if the husband commit treason, for the which hee is attainted, then his wife shall haue no dower. Also if shee go away from her husband with another man in aduowtry, and if shee be not reconciled by her husband of hys owne will without cohercion of the Church, shee shall not bee indowed. See Littleton lib. 1. cap. 4.

And so note, where in the Ciuill law, Dower is that which the husband hath with his wife for the marriage, to maintaine the married estate, by the laws of the Realme, by the word (Dower) is meant such portion as the wife after her husbands death shall haue to liue on.

la terre, vncore el ne recouera dammages. Auxy il est vn autre br de Dower, appel briete de droit de dower, & gist lou feme ad recouer parte de sa dower en mesme la ville, & autre parte el est a recouer. Auxy en diuers cases feme nauer a dower, sicome le baron fait treason, pur que il est attaint, donq; la feme nauer a Dower. Auxy si el elopa de son baron ouesque vn autre home in aduowtry, & si el ne soit reconcile per son baron de son bone volunt sans cohercion del Eglise, el ne serra endow. Vide Littleton lib. 1. ca. 4. Et issint neta que lou per Ciuill ley Dower est ceo, que le baron eyt oue sa feme pur le mariage, de maintenir leur ioyned estate, per les leyes del Realme, per le parol (Dower) est intende, le porcion, que le feme, puis le mort del baron, auera pur sa viuer.

The Exposition of

177

Droit.

**D**roit est lou vn ad chose q̄ fuit tolle de auter per torte, come per disseisin, discontinuance, ou eieftment, ou tiels semblables, & le challenge ou claime q̄ il ad que auoit le chose, est terme droit.

Right.

**R**ight, is where one hath a thing that was taken from another wrongfully, as by disseisin, discontinuance, or putting out, or such like, & the challenge or claim that he ha h, who should haue the thing, is called Right.

178

Droit dentre.

**D**roit dentre, est quauant vn leye de terre en fee, est de ceo disseisi: Ore le disseisee ad droit dentre en le terre, & poet quāt il voyle, ou il poet auer brieve de droit enuers le disseisor.

Right of Entrie.

**R**ight of Entrie, is when one seised of land in fee, is thereof disseised: Nowe the disseisee hath right to enter into the land, & may so doe when he will, or else he may haue a writ of right against the disseisor.

179

Dum non fuit compos mentis.

**D**Um non fuit compos mentis, est vn brieve & gist lou home que est hors de son bone memory, cest adire, insane ou lunatique alien les terres que il ad in fee simple, & deuie, donqs son heire apres son decease auera cest brieve, mes il mesme nauera cest brief, p̄ ceo q̄ home, ne ferra receu a disabler luy mesme: Auy cest brieve puit este fait en le per, cui, & post.

Dum non fuit compos mentis.

**D**Um non fuit compos mentis, is a writ, and it lyeth when a man that is out of his wits, that is to say, mad or lunatike alieneth the land that he hath in fee simple, & dyeth, then his heire after his decease shall haue this writ, for that that a man shall not be receiued to disable himselfe. Also this writ may be made in the Per, Cui, and Post.

180 Dum

180 Dum fuit infra  
etatem.

D<sup>V</sup>m fuit infra etatem,  
is a w<sup>rit</sup>, and it lyeth  
where an Infant with-  
in age alieneth his land  
which he hath in fee sim-  
ple, or for term of life, whē  
he commeth to his full age  
he shall haue this w<sup>rit</sup>, or  
he may enter if he will, but  
it behoneth that he be of  
ful age the day of his w<sup>rit</sup>  
brought. Also if an infant  
alien his land, & die, his is-  
sue at his full age shal haue  
this w<sup>rit</sup>, or he may enter,  
but the issue shall not haue  
this w<sup>rit</sup> within his age.

181 Dures.

D<sup>V</sup>res, is where one is  
kept in pryson, or re-  
strained from his libertie  
contrarie to the order of  
the law, or threated or  
manassed to be killed, mar-  
ried, or greatly beaten, & if  
such person so in prison,  
or in feare of such threat-  
nings, make any specialtie  
or obghatton, by reason of  
such imprisonment, such a  
deed is void in the law, &  
in an action brought vpon  
such an especialtie he may  
say that it was made by

Dum fuit infra  
etatem.

D<sup>V</sup>m fuit infra etatem,  
est vn brieve, & gist lou  
Enfant deins age alien sa  
terre que il ad en fee sim-  
ple, ou pur terme de vie,  
quant il vient a son pleine  
age il auera cest brieve, ou  
il puit enter sil voile, mes  
il couient q'il soit de pleine  
age, iour de son brieve pur-  
chase. Auxy li enfant alien  
sa terre, & deue, son issue  
a son pleine age auera cest  
brieve, ou puit enter, mes  
le issue nauera cest brieve  
deins son age.

Dures.

D<sup>V</sup>res, est lou vn home  
est garde en prison, ou  
restraine de son libertie  
contrarie al order de ley,  
ou manasse deste occide,  
maihemie, ou graunde mēt  
batue, & si tiel person issine  
en prison, ou pauour pur  
tiel manasse, fait alcun  
especialtie ou obligation,  
per reason de tiel empri-  
sonment, tiel fait est void  
en le ley, & en action  
port sur tiel especialtie  
puit dire que il fuit fait per  
dures



# The Exposition of

dures de son imprisoumēt,  
mes si home soit arrest sur  
ascun action al suite vn au-  
ter, mesque le cause del ac-  
tion ne soit bone ne voir,  
sil fait ascun obligation a  
vn estrange esseant in pri-  
son per tiel arrest, vncore  
il ne serra dit per dures:  
mes sil fait obligation a luy  
a que suit il suit arrest de-  
ste discharge de tiel impris-  
onment, donques il serra  
dit dures, vt dicitur.

dures of imprysonment,  
but if a man be arrested  
vpon an action at the suite  
of an other, though the cause  
of the action bee not good  
nor true, if he make an ob-  
ligation to a stranger be-  
ing in prison by such ar-  
rest, yet it shall not be said  
by dures: But if he make  
an obligation to him at  
whose suite he was ar-  
rested to be discharged of  
such imprysonment, then it  
shal be said Dures, as it is  
said.

E.

E.

182 Eiectione firme.

Electione firme, vide de  
ceo en le title, Quare  
eiecit infra terminum.

183 Eiectment de garde.

Eiectment de garde, vi-  
de de ceo en le title  
Gardes.

184 Eire Iustices.

Eire Iustices, ou Itine-  
rant, come nous appelle  
eux fueront Iustices que  
vse de equitate de lieu al  
lieu per tout le Realme pur  
administer justice.

185 Elegit.

Tener per Elegit, est  
lou home ad reco-

Eiectione firme.

Electione firme, looke for  
that in the title Quare  
eiecit infra terminum.

Eiectment de garde.

Eiectment de garde, looke  
for that in the title of  
Gardes.

Eire Iustices.

Eire Iustices, or Itine-  
rant, as we call them,  
were Iustices that vse to  
ride from place to place  
through out the Realme  
to administer justice.

Elegit.

To hold by Elegit, is  
where a man hath reco-  
uered

uered debt or damage by a writt against an other by confession, or in other manner, hee shall haue within the yeare against him a writt iudicial called Elegit to haue execution of the halfe of all his lands and chattels (except Oxen and beasts of the plough) till the debt and damages be wholly leuied and paid to him, and during the terme hee is tenant by Elegit.

And note well, that if he be put out within þe terme, he shall haue Assise of Nouel disseisin, & after a Redisseisin if need be, and this is giuen by the statute of Westminster 2. cap. 18.

And also by the equitie of the same statute, he that hath his estate, if he be put out shal haue Assise & Redisseisin if need be. And also if he make his executozs and die, and his executozs enter, & after he be put out, they shal haue by the equitie of the same statute, such action as he himself befoze said. But if he be put out, and after make his executozs and die, his executozs

uer debt ou damage p bñc deuers vn auter per Conu-  
sance ou en aut maner, il a-  
uera deins le an deüs luy  
vn bñ iudicial nolme Ele-  
git daü execution de moy-  
ty de tous ses fres & char-  
tels (except Beofs & auers  
a la carues) ranque le debt  
ou les dammages soyent  
ousterment leues ou paies  
a luy, & durant cest terme  
il est tenant per Elegit. Et  
nota sil soyt ouste deins le  
terme il auera Assise de  
Nouel disseisin, & apres  
vn redisseisin si besoigne  
soit, & cest done per lo  
estatute de Westminster 2.  
cap. 18.

Et auxy per le equitie de  
mesme le statute celuy que  
ad son estat, sil soyt ouste  
auera Assise & redisseisin  
si besoigne soyt. Et au-  
xy sil face ses executours  
& deuie, & les executours  
entrent & puyt soyent ou-  
stes, ils aueront per le-  
quitie de mesme le statute  
tel action come luy mes-  
me suisdit. Mes sil soyt  
ouste, & puyt fait ses execu-  
toirs & deuie, ses executours  
pur-

### The Exposition of

purront enter & fils soy- inay enter, and if they bee  
ent estops de lour entre stopped of their entry, they  
ils aueront vn briefe de shall haue a writ of Tres-  
trepas sur lour matter & passe vpon their matter &  
case. case.

Et nota fil face wast en  
tout la terre ou en parcel,  
l'auter auera enuers luy  
maintenant vn briefe iu-  
diciall hors de la primer  
record appell Venire fa-  
cias ad computandum, per  
force de quel serra inquis  
fil ad leuy tous les deniers  
ou parcel, & fil nad leuy  
les deniers, donques serra  
inquis a quaut le waste  
amount, & si le waste  
amount sinon a parcel dō-  
ques rants des deniers que  
le waste amount serra a.  
bridge de les suildits de-  
niers queux fueront estre  
leuies. Mes fil ad fait  
plais waste que le auant-  
dit summe de argent que  
fuit a estre leuy amount,  
lauf serra discharge mayn-  
tenant de tous les deni-  
ers suildits & recouera sa  
terre. Et pur la super-  
fluitie de waste fayt ou-  
ster ceo que amount a le  
dit summe, il recouera ses

And note well if he doe  
wast in al the land oz par-  
cel, the other shall haue a-  
gainst him immediatly a  
writ iudiciall out of h first  
recozd called Venire facias  
ad Computandū, by which  
it shall be inquired if hee  
hane leuied all the money  
oz parcel, and if he haue  
not leuied the money, then  
it shall be inquired to  
how much the waste a-  
mounteth, and if the wast  
amount but to parcel, then  
as much of the money as  
the wast amounteth vnto,  
shalbe abzidged of h fore-  
said money which was to  
be leuied. But if hee haue  
done more wast then the  
foresaid summe of money  
which was to be leuied, a-  
mounteth, the other shalbe  
discharged by and by of  
all the said money, and shall  
recouer the land. And  
for the superfluitie of the  
wast made about that  
that amounteth to the said  
summe he shal recouer his  
dant

damages simple, and the same law is of his executors, and also of him that hath his estate.

And note, that if hee alien in fee, for terme of life, or in talle, all or parcell of the land, which he holdeth by Elegit, if the alienation be made within the terme or after, hee which hath right, shall haue against him an Assise of Nouel disseisin. And they both must be put in the assise, the alienor, and the alienee, and notwithstanding that the alienor die presently, yet hee which hath right shall haue Assise against the alienee alone, as if the alienee had bin a plaine tenant for terme of yeares, & that is by the equitie of the statute of West. 2. ca. 25. for that that he hath not but a chatteil in effect: and the same law is of his executors, and of him which hath his estate, as aforesaid.

And note well that in Elegit if the shirif returne that he hath nothing & day of the Recognisance made, but that he purchased lands

damages single, & mesme le ley est de les executors & auxy de cestuy que ad son estate.

Et nota, si alien en fee, ou a terme de vie, ou en taile, tout le terre ou parcell de la terre, que il tient per Elegit, si le alienation soit fait deins le terme ou apres, cestuy que ad droit auera vers luy vn Assise de Nouel disseisin. Et couient que ils soient mis en l'assise ambideux, auxibien le alienor come le alienee, & non obstant que l'alienor deuie maintenant, vncore cestuy que ad droit auera vers le alienee sole Assise, come si vlt estre son simple tenant a terme de ans. Et ceo est per le equitie del statute de West. 2. cap. 25. pur ceo que il nad sinon chattel en effect: & mesme le ley est de les executors, & de cestuy que ad son estate, come est suifdit.

Et nota que en Elegit si le Vicount returne que il auoyt ryens iour de la Recognisaunce fait mes que il purchase terre puis

## The Exposition of

puis le temps, adonques after the time, then the le partie plaintife auera party plaintife shal haue a nouel brieft de auer execution de ceo: mesme le on therof: the same law is ley est de vn estatute marchand, of a statute marchand.

Et nota que apres le Fieri facias vn home poyt contrary wise, for that the auer le Elegit, mes non Elegit is of more higher contra, entant que le nature then the Fieri fac. Elegit est de plus haut And note well, that if a nature que le Fieri facias. mon recouer by a writ of as. Et nota que si home debt, & sueth a Fieri facias, recouer per brieft de det & the Shurif returne that & sue vn Fieri facias, & the defendat hath nothing le vicount returne que le whereof he may satisfie the defendaunt nad ryens debt to the party, then the dont il poit faire gree a plaintiff shal haue t. l. g. or la partie, donques le Capias sicut alias, & a Pluries, And if the Shurif returne to the Capias, Mitto ou vn Capias sicut alias, & Pluries. Et si vicount returne a le Capias mitto vobis corpus, & il nad riens dount il poyt fait gree al partie, il serra maund al gayle del Fleet, & il lonques demurra tanq il ad fait gree al partie, & si le vicount returne, Non est inuentus, adonques il serra Lexigent enuers luy. Et nota que en brieft de dette port deuers parson de saint Elglise, que nad

And note well, that after a Fieri facias a man may haue the Elegit, but not contrary wise, for that the Elegit is of more higher nature then the Fieri fac. And note well, that if a man recouer by a writ of debt, & sueth a Fieri facias, & the Shurif returne that the defendat hath nothing whereof he may satisfie the debt to the party, then the plaintiff shal haue t. l. g. or Capias sicut alias, & a Pluries, And if the Shurif returne to the Capias, Mitto vobis corp, & he haue nothing whereof he may make satisfaction to the party, he shal be sent to the prison of the Fleet, and there shall abide untill he haue made agrement with the party, and if the Shurif returne, Non est inuentus, then there shal go forth an Exigent against him. And note well p in a writ of debt brought against a Parson of holy Church, which hath nothing

thing of lay fee, and the Shriue returneth that he hath nought by which he may be summoned, then shall the plaintife sue a writ to the Bishop, that hee make his Clarke to come, and the Bishop shall make him to come by sequestration of the church.

And note well, that if a man bying a writ of debt, and recouer, and make his executors and dyeth, they shall not haue execution, notwithstanding that it be within the yeare by a Fieri facias,

rien de lay fee, & le Vicont retourne que il nad riens per que il poit estre summoned, a lonques le plaintife suera briete al Euesque que il face vner son clerk, & Leuesque luy feria vner per sequestration del Eglise.

Et nota bene, q si home port briete de det & recouer, & face ses executors & deuie, ils naueront execution, non obstant que il soit deins lan per vn Fieri facias.

186 Elopement.

Elopement, is when a married woman departeth from her husband with an adulterer, & dwelleth wyth the adulterer without voluntary reconciliation to her husband, by that shee shall lose her Dower by the statute of West. 2. cap. 34. whereupon a verse hath bene made in this maner,

Shee that her husband leaues, & liueth in adultery, and is not freely reconciled, shall loose her Dowry.

Elopement.

Elopement, est quant feme espouse departa de son baron oue vn adulterer, & oue le adulterer demeure sans voluntary reconciliation a sa baron, p ceo el perdra sa Dower per le statute ne Westminster 2. Cap. 34. Sur que vn versle ad estre fait en cel maner,

Sponte virum mulier fugiens, & adultera facta,  
Dote sua careat, nisi sponso sponso retracta.

The Exposition of

187 Embrasour ou Embraceour.

**E**Mbrasour ou Embraceour, est celuy que quant vn matter est en trial perenter partie & partie vient al barre oue vn del parties (ayant receiue asc' reward pur illint faire) & parle en le case, ou priuement labor le Iurie, ou stat la pur surueier ou suruiew eux per cest means de mittre eux en pauour & doubt del matter. Mes homes q' sont erudite en ley, poyent parler en le cas pur lou clients.

Embrasour, or Embraceour.

**E**Mbrasour, or Embraceour, is he that when a matter is in trial between party & party, commeth to the barre with one of the parties (having received some reward so to do) and speaketh in the case, or priuily labourereth the Iurie, or standeth there to suruey or ouerlooke them, thereby to put them in feare and doubt of the matter. But men that are learned in the law, may speake in the case for their Clients.

188 Encroachment.

**E**ncroachment, est dit quant le Seignior ad happa seisin de pluis rent ou seruices de son tenant que de droit est due ou doit estre pay ou fait a luy: Come si le tenant tient la terre de son Seignior per fealtie & ij. s. rent annuel. mer, & ore de tradit temps le Seignior ad happa seisin de iij. s. rent, ou de homage ou escuage, ou tiels semblables: Donques cest appel vn Encroachment de cest rent ou seruice.

Encroachment.

**E**ncroachment, is said when the Lord hath gotten seisin of moze rent or seruices of his tenant then of right is due, or ought to be paid or done vnto him: As if the tenant hold his land of his Lord by fealtie and ij. s. rent yearly, and now of late time he hath got seisin of iij. s. rent, or of homage, or escuage, or such like: Then this is called an Encroachment of that rent or seruice.

189 En-

189 Enheritance.

**EN**heritance, is such estate in lands or tenements, or other things, as may be inherited by the heire, whether it be in estate for fee simple, or tail, by descent from any of his ancestors, or by his own purchase.

And inheritance is diuided into two sorts: that is to say, inheritance corporate, and inheritance incorporate.

Inheritance corporate are messuages, lands, meadows, pastures, rents, & such like, that haue substance in themselves, and may continue alwayes: & these are called corporall things.

Inheritance incorporate are aduowsons, villaines, waies, commons, courts, fishings, & such like, that are, or may be appendant or appurtenant to inheritances incorporate.

190 Entre.

**EN**tre, is where a man entred into any lands or tenements in his proper person, or any other by his commandement,

Enheritance.

**EN**heritance est tiel estate en terres ou tenements, ou autres choses, que poyent estre enherit par le heire, soit ceo de estate en fee simple, ou taile, par descent de ascen de ses ancestors, ou par son purchase demesue.

Et enheritance est diuidee en deux sorts: cest ascavoir, enheritance corporate, & enheritance incorporate.

Inheritance corporate sont messuages, fres, pées, pastures, rêrs, & tiels semblables, qont substance en eux ms, & poyent continuer tout tēps: Et ceux sont appel choses corporal.

Inheritance incorporate sont aduowson, villaines, waies, commons, courtes, piscaries, & tiels semblables que sont, ou poiēt estre appendant ou appurtenant a enheritance incorporate.

Entre.

**EN**tre, est lou vn home entra en aucun terres ou tenements en son proper person, ou ascun autre, par son commandement,

L Aury



## The Exposition of

Auxy sont diuers briefes de Entre queux sont en diuers maners. Vn est b're de Entre sur disceisin, & cest briefe gist lou home est disceisie, il ou son heire lauantdit briefe auera vers meisme le disceisor, ou ascun autre apres tenant del terre. Et si le disceisor alien ou deuie seisie, donques le briefe de Entre serra vers le heire ouesque le alienee en le Per, cest adire, en que le tenant non habet ingresum nisi per tiel nosmant le disceisor, que luy auoit disceisie &c.

Et si le heire ou alienee deuie seisie, ou aliena al autre, donques le briefe serra en le Per & Cui, cest adire, en que le tenaunt non habet ingresum nisi per tiel, nosmant le heire ou le alienee del disceisor, Cui tiel (nosmant le disceisor) il dimist, que luy per tort disceisie &c.

Et si terre soit conuey ouster al plusours, ou si le primer disceisor soit disceisie, donqs le b're de Entr serra en le Post, cest adire,

Also there be diuers writs of Entre which be in diuers maners. One is a writ of Entre sur disceisin, and this writ lyeth where a man is disceised, he or his heire shall haue this writ against the disceisor, or any other after tenant of the land. And if the disceisor alien and die seised, then the writ of Entre shall be against the heire with the alienee in the Per, that is to say, in which the tenant hath no entre but by such a one, naming  $\bar{e}$  disceisor, which him hath disceised.

And if the heire or alienee die seised, or alieneth to an other, then the writ shall be in the Per and Cui, that is to say, into which the tenant hath no entre but by such a one, naming the heire or alienee of the disceisor, to whom such a one (naming the disceisor) did let it, which by force disceised him &c.

And if land be conueied ouer to many, or if the first disceisor be disceised, then the writ of Entre shall be in the Post, that is to say, that

that the tenaunt hath no entrie but after the disseisin, which the first disseisor made to the demandant or his auncestors. & after Entre en le Per.

que le tenant non habet ingressum nisi post disseisinam, quel le primer disseisor fait al demaundant ou son ancestor. Vide apres Entre en le Per,

191 Entre in the Per,  
Cui, & Post.

Entre en le Per, Cui,  
& Post.

**A** writ of Entre in the Per, lieth where a man is disseised of his freehold and the Disseisor alieneth or dieth seised, & his heire entreth, then the disseisee or his heire shal haue the said writ against the heire of the disseisor, or against the attenee of the disseisor, but liuing the disseisor hee may haue an Assise if he wil, & the writ of Entre shal say, in quod A. non habet ingressum nisi per B. qui illud ei demisit, qui inde eum iniuste disseisuit, &c. But if the disseisor aliē, & the alienee dieth seised, or alieneth ouer to another, or if the disseisor die, & his heire enter, and that heire alieneth or dyeth, and his heire entreth, then the disseisee or his heire shal haue a writ of Entre sur disseisin in the

**B**riefe de Entre en le Per gist lou home est disseise de son franktenement, & le Disseisor alien ou deuie seise, & son heire entra, donques le disseisee ou son heire auera le dit briefe vers le heire le disseisor, ou vers le alienee le disseisor, mes viuant le disseisor il poit auer Assise si il voyle, & le briefe de Entre dirra, in quod A. non habet ingressum nisi per B. qui illud ei demisit, qui inde eum iniuste disseisuit, &c. Mes si le disseisor alien, & le alienee deuie seise, ou alien ouster a vn autre ou si le disseisor deuie, & son heire entra, & celuy heire aliena ou deuie, & son heire entra, donques le disseisee ou son heire auera briefe de entre sur disseisin en le

L ij. per

# The Exposition of

Per & Cui, Et le brieve dira;  
ra; in quod idem A. nō ha-  
bet ingressum nisi p B. cui  
C. illud ei dimisit, qui inde  
iniuste, &c.

Et nota bien, que nul  
brieve de entre en le Per &  
Cui, serra mainteinable  
vers nulluy, mes lou il  
que est tenant soit eins  
per purchase ou per dis-  
cent: Mes si le alienation  
ou discent soit deuenus  
hors des degrees, sur quel  
nul brieve poet estre fait en  
le Per, ne en le Per & Cui,  
donques serra fait en le  
Post, & le brieve dira, in  
quod A. non habet ingres-  
sum nisi post disseisinam,  
quam B. inde iniuste & sine  
iudicio fecit præf. N. vel M.  
proauo N. cuius hæres ipse  
est.

Auxy sont 5. choses q  
mittont la brieve de Entrie  
hors des degrees cest a-  
dire, Entrusion, Succession,  
disseisin sur disseisin, Iudge-  
ment, ou Elshear.

1 Entrusion est quant le  
disseisor deuie seise, & vn  
estranger abateh.

2 Disseisin sur disseisin,  
est quant le disseisor est dis-  
seise per vn auter.

Per, and Cui. And the writ  
shall say, in quod idem A.  
non habet ingressum nisi p  
B. cui C. illud ei dimisit, qui  
inde iniuste, &c.

And note well, that no  
writ of Entre in the Per  
and Cui, shall be mainte-  
nable against none, but  
where he that is tenant  
be in by purchase or dis-  
cent: but if the alienation  
or discent be put out of the  
degrees, vpon which no  
writ may be made in the  
Per, nor in the Per & Cui,  
then it shall be made in the  
Post, and the writ shall  
say, in quod A. non habet  
ingressum nisi post dissei-  
nam, quam B. inde iniuste,  
& sine iudicio fecit præf. N.  
vel M. proauo N. cuius hæ-  
res ipse est.

Also there are 5. things  
which put the writ of En-  
trie out of the degrees, that  
is to say, Entrusion, Suc-  
cession, disseisin vpon dissei-  
sin, Judgement, & elshear.

1 Entrusion is when  
the disseisor dieth seised, &  
an estranger abateth.

2 Disseisin vpon dissei-  
sin, is when the Disseisor  
is disseised by an other.

3 Suc-

3 Succession, is where the Disseisor is a man of Religion, & dyeth, or is deposed, and his successor entreth.

4 Judgement, is when one recovereth against the disseisor.

5 Escheat, is when the Disseisor dyeth without heire, or both felony where by he is attainted, by which the Lord entreth as in his Escheat.

In all those cases the disseisor or his heire shall not have a writ of Entry within the degrees in the Per, but in the Post, for that, that in those said cases, they are not in by descent, nor by purchase.

192 Entre ad communem legem.

Also there is a writ of Entre ad communem legem, and lyeth where tenant for terme of life, tenant for term of an others life, tenant by the curtesie, or tenant in Dower alieneth and dyeth, then he in the reversion shall have the aforesaid writ against whomsoever is in after in the said tenement.

3 Succession, est lou le Disseisor est vn hōe de religion & deuie, ou est depose, & son successor entra.

4 Iudgement est quauant vn recouer vers le disseisor.

5 Escheat, est quant le disseisor deuie sans heire, ou fait felonie, per que il est attain, per que le Seignior entra come en son Escheat.

En tous ceux cases le disseisor ou son heire n'aura briefe de Entry deins les degres en le Per, mes en le Post, pur ceo que en ceux dits cases ils ne sont eins per descent ne p purchase.

Entre ad communem legem.

Auxy il y ad vn briefe del Entre ad communem legem, & gist lou tenant a terme de vie, tenaunt a terme d'auter vie, tenaunt per la curtesie, ou tenaunt en dower alien & deuie, donques celui en le reversion auera le auantdit bñe deuers quecunque que soit eins apres en les dits tenements.

L iij.

193 En

The Exposition of

193 Entre in casu  
prouiso.

**A**Vxy briefe de enter in casu prouiso gift, si tenant en dower alien en fee ou pur terme de vie, ou pur auter vie, viuant le tenant en dower, celuy en le reuerſion auera le briefe appel briefe de Entre in casu prouiso, & ceo est our uiew per le ſtatute de Gloceſter Cap.7.

Entre in the caſe prouido.

**A**lſo a writ of Entre in casu prouiso lyeth, if tenant in dower alien in fee or for terme of life, or for an other's life, lyuing the tenant in dower, hee in the reuerſion ſhall haue the writ called a writ of Entre in casu prouiso, and this is provided by the ſtatute of Gloceſter cap.7.

194 Entre in casu conſimili.

**A**Vxy briefe de entre in casu conſimili gift si tenant pur terme die vie, ou tenat per la curteſie alien en fee, viuant eux celuy en le reuerſion auera vn briefe appel briefe de entre in conſimili caſu, & ceo est per le ſtatute de Weſtmiſt. 2. cap.24.

Entre in caſu conſimili.

**A**lſo a writ of Entre in casu conſimili lyeth, if tenant for terme of life, or tenant by the curteſie alien in fee, liuing them he in the reuerſion ſhall haue a writ, called a writ of Entre in casu conſimili, and this is by the ſtatute of Weſt. 2. cap.24.

195 Entre ad terminum qui preterijt.

**A**Vxy briefe de Entre ad terminum qui preterijt gift, si vn home leſa termes a vn auter pur terme dans, & le tenant tient ouſter ſon terme, donques be leſſour auera briefe que est

Entre ad terminum qui preterijt.

**A**lſo a writ of Entre Ad terminum qui preterijt lyeth, if a man leaſe land to another for term of yerres, & he tenant hold ouer his terme, then the leſſor ſhall haue a writ which is called

called a writ of Entre ad terminum qui preterit.

And also if lands be leased to a man for terme of an others life, and hee for whose life the landes are leased dyeth, and the lessee holds ouer, then the lessor shall haue this writ.

appel bñe de Entre ad terminum qui preterijt.

Et auxy si terres sont lessées a vn home pur terme dauter vie, & cestuy pur q̄ vie les terres sont lessées deuie, & le lessee tient ouster, donques le lessor auera cest brieve,

196 Entre without assent of the Chapter.

Also a writ of Entre sine assensu Capituli lyeth, where an Abbot, Prior, or such as hath Couent or common seale, alieneth lands or tenements of the right of his Church, without the assent of the Couent or Chapter, and dyeth, then the successor shall haue this writ.

Entre sine assensu Capituli.

Avy brieve de Entre sine assensu Capituli, gist lou vn Abbe, Prior, ou tiel que ad Couent ou common seale, aliena terres ou tenements del droit de son esglise, sans le assent del Couent ou Chapter, & deuie, donques son successor auera cest brieve.

197 Entre for marriage in speech.

Also a writ of Entre causa matrimonij praelocuti lyeth, where lands or tenements are giuen to a man vpon such condition, that he shall take her to his wife within a certaine time, and he do not espouse her within the said terme, or espouse an other womā,

Entre causa matrimonij praelocuti.

Avy brieve de Entre causa matrimonij praelocuti gist, lou terres ou tenements sont done a vn home sur tiel condition, que il prendra la donour a sa feme deins certeine temps, & il ne lay espousa deins la dit temps, ou espouse auter feme, ou

L. iij.

### The Exposition of

ou luy fait Preſter, ou en-  
tra en religion, ou luy diſa-  
ble, iſſim que il ne puit luy  
prendre accordant a la dit  
condition: donques la ſeñ  
donour & ſes heires auera  
le dit brief vers luy ou vers  
quecunque é eins en le dit  
terre. Auxy il couient q̄ cē  
conditiō ſoit fait per le en-  
denture, ou autrement ceſt  
briefe ne giſt: & tous ceux  
& auſi briefs dentre poyēt  
eſte fait en le Per, Cui, &  
Poſt.

or make himſelfe Priest,  
or enter in Religion, or  
him diſable, ſo that he can-  
not take her accordyng to  
the ſaid condition, then  
the donour and his heires  
ſhall haue the ſaid writ  
againſt him, or againſt  
whomſoeuer is in the ſaid  
Land. And alſo it behou-  
ueth that this condition  
be made by Indenture, or  
otherwiſe this writ doth  
not lie: and all theſe and  
other writs of Entre may  
be made in the Per, Cui, &  
Poſt.

138 Entruſion.

ENTruſion, eſt vn briefe,  
& giſt lou tenaunt a  
terme de vie, deuie ſeiſie  
de certaine terres ou te-  
nements, & vn eſtraunge  
entra, celuy en la reuerſion  
auera le dit briefe vers la-  
bator, ou vers qu'cunque  
que ſoit eins apres lour en-  
truſion.

Entruſion.

ENTruſion, is a writ, and  
it lyeth where a tenant  
for terme of liſe dyeth ſei-  
ſed of certaine lands or te-  
nements, and a ſtranger  
entreteth, he in the reuerſion  
ſhall haue the ſaid writ a-  
gainſt the abator, or a-  
gainſt whomſoeuer that is  
in after their intruſion.

Auxy vn briefe de En-  
truſion ſerra mintainable  
p le ſuccellour dun Abbe  
vers labaror q̄ entre en aſc  
terres ou tenements répo-  
ſe vacationis que appent a

Alſo a writ of Entruſion  
ſhall be maintainable by the  
ſuccellour of an Abbot a-  
gainſt the abatour which  
ſhall enter in any lands or  
tenements in the time of  
vacation that belongeth to  
the

the Church by the statute la Esglise per statute Mar-  
of Warlebridge, the last bridge ca. ultimo.  
chapter.

149 Equitie.

**E**Quitie, is in two sorts,  
differing much the one  
from the other, and are of  
contrary effects, for  $\bar{h}$  one  
doth abridge, diminish, &  
take frō the letter of  $\bar{h}$  law,  
The other doth enlarge,  
amplifie, & adde therunto.

The first is thus defi-  
ned, Equitie is the cor-  
rection of a Law generally  
made in that part, wherein  
it faileth, which correction  
of the generall words, is  
much vled in our law. As  
if for example, when an act  
of parliament is made, that  
whosoever doth such a  
thing, shalbe a feon, & shal  
suffer death, yet if a mad  
man, or an infant of poug  
peres that hath no discre-  
tion do the same, they shall  
be no felons, nor suffer  
death therefore.

Also if a Statute were  
made, that al persons that  
shall receiue, or giue meat  
or drink, or other succor to  
any  $\bar{h}$  shal do such a thing,  
shall be accessory to his of-  
fence, and shal suffer death

Equitie.

**E**Quitie, est en deux ma-  
ners, diuers moult lun  
del autre, & sont de con-  
trary effects, car lun a-  
bridge, diminuish, & tol de  
le terre del ley, Le autre en-  
large, amplifie, & adde a  
ceo.

Le primer est issint de-  
fine, Equitas est correctio  
legis generatim latæ qua  
parte deficit, le quel cor-  
rection del general parols,  
est moult vse en nostre ley,  
Sicome pur exemple, quāt  
acte de parliament est fait,  
quecunq; que fait tiel acte  
terra felon, & terra mise al  
mort, vncore si home de  
non sane memorie, ou en-  
fant de tender age que nad  
discretion le fait, ilz ne ser-  
ront felons, ne mise al  
morte.

Auxy si estatute soit fait  
q̄touts p̄sons que recette-  
ront, ou donneront maun-  
ger ou boyer, ou autre aid  
a cestuy que faira tiel acte,  
serront accessory a son of-  
fence, & serrōt mise al mōt



### The Exposition of

si ils conuisteront del fait, if they did knowe of the  
vncore lun fait tiel act, & fact, yet notwithstanding  
veigne a sa proper feme, q̄ one doth such an act, and  
sciant ceo luy receiue, & comeneth to his wife, who  
done maunger & boyer a knowing thereof doth re-  
luy, el ne serra accessarie ceine him, and giues him  
ne selon, car en le general- meat and drinke, whē shall  
ry de les dits parolz del not be accessary nor selon,  
ley, cesty de non sane me- for in the generaltie of the  
morie, ne le enfant, ne le said words of the Law, he  
feme fueront conclude en- that is mad, nor the infā,  
tent, nor the wife, were not in-  
cluded in meaning.

Et issint equitie correct And thus equitie both  
le generaltie del ley en correct the generalty of the  
ceux cases, & les parolz law in those cases, and the  
generals sont per equitie generall wordes are by  
abridge. equitie abridged.

L'auter equitie est defi- The other equitie is de-  
ned en tiel maner, Equi- fined after this sort, Equi-  
tas est verborum legis di- tie is when the words of  
rectio efficiens, cum vna the law are effectually di-  
res solum nudo legis ca- rected, and one thing only  
uetur verbis, & omnia alia provided by the words of  
in equali genere, eisdem the law, to the end that all  
caueantur verbis: & issint things of  $\bar{h}$  like kind may  
quant les parolz enact vn be provided by  $\bar{h}$  same, & so  
chose, ils enact toutes whē the words enact one  
chofes que sont en sem- thing, they enact all other  
blables degrees, sicome things,  $\bar{h}$  are of like degre,  
le statute que ordeigne as  $\bar{h}$  stat. which ordaines  
que en action de dette that in an action of debt  
vers executours, cestuy against executours, he that  
que vient per distresse re- doth appear by distresse  
spondera, extenda per aunswere, both extend by  
equitie al administrators, equitie to administrators,  
for

for such of them as doth appeare first by distresse, shall answere by equitie of þe said act, because they are of the like kind.

So likewise the statute of Gloucester giues the action of wast, and the paine thereof against him that holds for life or yerres, and by the equitie of the same, a man shall haue an action of wast against him that holdeth but for one yere or halfe yere, and yet that is without the words of the statute, for he that holdeth but for halfe a yere, or one yere, doth not hold for yerres, but that is the meaning, and the words that enact the one by equity enact the other.

car cestuy de eux que vient primes per distresse respondera per equitie del dit act, Quia sunt in æquali genere.

Ilint le statute de Gloucester done le action de Wast, & le punishment de ceo vers celly q̄tient pur vie ou ans, & per le equitie de ceo home auera action de Wast vers cestuy qui tient forsque pur vn an, ou demy an, & vncore ceo est hors del parols del estatute, car cestuy que tient forsque pur demy an ou vn an, ne tient pur ans, mes ceo est le entent, & le parols quel enact lun, per equity enacteront l'auter.

100

Errour.

Errour.

Errour, is a fault in a iudgement, or in the process, or proceeding to iudgement, or in the execution vpon the same in a Court of record, which in the civil Law is called a Nullity, And also error is the name of a Writte, and it lyeth where iudgement

Errour, est vn fault en vn iudgement, ou en le process, ou proceeding al iudgement, ou executiō sur ceo, en Court de record, quel fault en le ciuil ley est apel vn Nullitie. Et auxi Errour est le nosme de vn b̄t, & ḡst lou iudgement est

### The Exposition of

est done en le Common  
banke ou deuant Iustice in  
Assise ou deuant Iustice  
de Oyer & terminer ou  
deuant le Maior ou vicont  
de Londres ou en auter  
Court de Recorde, contre  
le ley, ou sur vndue ou ma-  
le processe, donques per  
cel brieve, le partie grieue  
vers que le iudgement est  
done auera cel brieve, &  
per ceo causera le Recorde  
& processe destre remoue  
deuant les Iustices de bank  
le Roy. Et la si erreur soit  
troue il serra reuerse: mes  
si erroneous iudgement  
soit done en banke le Roy,  
donques il ne poit estre re-  
uerse forsque per Parli-  
ament tanque le statute 27.  
Eliz.

Auxy si tiel default soit  
en iudgement done en  
Court que nest de record,  
come en Countie, hundred,  
ou Court baron, donque  
le party auera bre de Faux  
iudgement par faire le re-  
cord venter deuant Iustice  
de common bank. Auxy si  
error soit troue en Lesche-  
quer il serra redresse per  
le Chancelour & Tresorer

is giuen in the Common  
place, or befoze the Iustice  
in Assise, or Oyer and ter-  
miner, or befoze the Maior  
and Shurifes of London,  
or in other Court of Re-  
cord, against the law, or  
vpon vndue and wzong  
processe, then by this  
writ the party griued a-  
gainst whom the iudge-  
ment is giuen shall haue  
this writ, and thereupon  
cause the Record & proces-  
to be remoued befoze the  
Iustices of the kinges  
Bench. And if the error  
be found it shall be reuer-  
sed: But if an erroneous  
iudgement be giuen in the  
kinges Bench, then it can-  
not bee reversed but by  
Parliament, vntil the sta-  
tute 27. of Elizabeth.

Also if such a default in  
iudgmēt be giuē in a court  
that is not of record, as in  
a countie, hundred, or in court  
baron, then the party shall  
haue a writ of false iudge-  
ment soz to make the record  
to come befoze Iustice of  
common place. Also if error  
be found in the Exchequer,  
it shall be redressed by the  
Chancelor & Treasorer,  
as

as it appeareth by the statute of E. 3. an. 31. cap. 12. An. 31. cap. 12.

201 Escape.

Escape, is where one that is arrested cometh to his liberty before he be deliuered by award of any iustice, or by order of law.

Escape is in two sorts, that is to say, voluntary & negligent.

Voluntary escape, is when one doth arrest another for felony, or other crime, & after he in whose custody he is, letteth him goe where he will, this lettting him go is a voluntary escape.

And if the arrest of him that escaped were for felony, then that shall be felony in him that did suffer the escape, and if for treason, then it shall be treason in him, & if for trespassse, then trespassse, & so in all other.

Negligent Escape is where one is arrested, & after escapes against the will of him that did so arrest him, & is not freshly pursued, & taken before the pursuer loseth the sight of him, this shall be said a negli-

Escape.

Escape, est lou vn que est arrest diuaigne a son libertie deuant que il soit deliuer per agard de aucun iustice, ou p order del ley.

Escape est en deux sorts, videlicet, volutary & negligent.

Voluntary escape est qnt vn arreste auter pur felony, ou auter crime & puis ce luy en que custodie il soit, lay lesser aler ou il veult, cel lesser de luy aler est vn voluntary escape.

Et si larrest de cestuy que escape fuit pur felony, ceo serra dit felony en cestuy que luy lesser descaper, & si pur treason il serra treason en luy, si pur vn trespassse, donque trespassse, & sic de singulis.

Negligent escape est qnt vn est arrest, & puis escape encounter le volunt de ce luy que luy arrest, & ne soit freshment pursue, & reprise deuant que le pursuor perdra le view de luy, ceo serra dit negligent

The exposition of

gent escape, non obstant q  
ce luy hors de que posselli-  
on il escape luy reprist a-  
pres le vieu perdu. Auxy si  
vn soit arrest, & puis escape  
& est a son libertie, & ce-  
luy en que garde il tuist  
luy reprist apres, & luy a-  
mesne a le prison, vncore  
il est escape en luy.

Auxy si vn felon soit ar-  
rest per le Constable, &  
amesne a le gayle en le  
County & le gayler ne  
voyt luy receiuer & le  
Constable luy demit, & le  
gayler auxy, & ainsi il es-  
cape, cest est vn escape en  
le gailer, pur ceo que en ri-  
el case le gailer est tenu  
de luy rescieuer p le maine  
le Constable sauns as-  
cun precept de le Iusti-  
ce de peace. Mes aus-  
ment est si vn common  
person arrest auter qur sus-  
pition de felonie, la le  
gayler nest tenu de luy  
rescieuer sans precept de  
alcun des Iustice de peace.  
Il y ad vn escape auxy  
sans arrest, come si mur-  
der soit fait en le iour, &  
le murderer ne soit prise,  
donq; il est escape p que le

gent escape, notwithstanding that he out of whose  
possession hee elaped, doe  
take him after he lost sight  
of him. Also if one bee ar-  
rested, and after escape, &  
is at his libertie, and he in  
whose ward he was, take  
him afterward, and bring  
him to the prison, yet it is  
an escape in him.

Also if a felon be arre-  
sted by the Constable and  
brought to the gaile in the  
Countie, & the gailor will  
not receiue him & the Con-  
stable letteth him goe, and  
the gailor also, & so hee es-  
capeth, this is an escape  
in the gailor, for p in such  
case the gailor is bound to  
receiue him by the hand of  
the Constable without a-  
ny precept of the Justice  
of peace. But other wise it  
is if a comon person arrest  
another vpon suspicion of  
felony, there the gailor is  
not bound to receiue him,  
without a precept of some  
Justice of peace. There is  
an escape also without ar-  
rest, as if murder be made  
in the day, & the murderer  
be not taken, then it is an  
escape, for the which the  
Towne

**Town where the murder was done** shalbe amerced. ville ou le murder fuit fait serra amercie.

102 **Eschete.**

**Eschete**, is where a tenāt in fee simple doth felony, for the which he is hāged, or abiured the Realme, or be outlawed of felonie, murder, or petite treason, or if the tenant dieth without heire generall or speciall, then the Lord of whom the tenant held the land may enter by way of Eschete, or if any other enter, the Lord shal haue against him a writt called a writt of Eschete, which as I thinke is deriued of the French word Eschien.

**Eschete.**

**Eschete**, est lou vn tenant en fee simple face felonie, pur que il est pendue, ou abiure le Realme, ou velage de felonie, murder, ou petit treason, ou si le tenant morust sans heire general ou special, donques le Seignior de que le terre est tenu per le tenant poit enter per voy de Eschete, ou si aucun autre home enter, le Seignior auera vers luy vn brieve appel bñe de Eschete, quel come semble est deriue del parol Francois Eschien.

103 **Escuage.**

**Escuage**, is called in Latin Scutagium, that is to say, seruice of the shield, & he that holdeth by escuage holdeth by Knights seruice, and to that belongeth ward, marriage, & reliefe: but that shalbe intended of escuage not certain, when Escuage runeth through England, when it is ordeined by all the Councell of England, that after the

**Escuage.**

**Escuage**, est appel en Latine Scutagium, cest adire, seruitium scuti, & celsy que tient p escuage, tient per seruice de chivalier, & a ceo appent garde, marriage, & reliefe: mes ceo serra entende de escuage non certaine, quant le escuage courage per tout Engleterre, quaut est ordeine per tout le Councell Dengleterre, que apres les guerres

The Exposition of

guerres, chescun Seignior warre, every Lord shall auera certaine somme de son tenant que ne fuit en le dit guerre. Mes si le tenant qui tient dascun Seignior per escuage, soit oue le roy en ses guerres en Escoce, & le Seign voir distraigne luy pur Escuage, il serra bon plee adire, que il fuit oue le Roy en Escoce en le guerre, & ceo serra trie per le Marshall le Roy.

Et nota bene, q home ne poit tener per escuage, sino q il teign per homage, pur ceo que escuage de comon droit trey: a luy homage, come il fuit iudge en Term H. 21 E. 3. cap. 42. fol. 52. Auowrie 115. Et nota bene que Escuage est vn certaine somme de argent, & doit estre leuie per le Seign de ses tenants selonque le quantitie de son tenure quaut le Escuage courage p tour Engleterre, Et ordaine est per tout le Counsell Dengleterre quat chescun tenaunt donera a son seignior, & ceo est properment pur sustayner le guer perenter Engleterre & ceux de Escoce, ou de

haue a certaine somme of his tenant which was not in the said warre. But if the tenant which holdeth of any Lord by escuage, be with the king in his wars in Scotland, & his Lord will distraigne him for Escuage, it shall be a good plee to say, that hee was with the king in Scotland in his wars, & that shal be tried by the R. Marshall,

And note wel, that a man may not hold by escuage, vnles he hold by homage, for that escuage of comon right draweth to him homage, as it was iudged in Term H. 21, Ed. 3. cap. 42. fol. 52. Auowrie 115. And note well, that Escuage is a certain summe of money, and it ought to be leuied by the Lord of his tenant after the quantitie of his tenure when Escuage runneth through al England, And it is ordeined by al the counsell of England how much every tenat shal giue to his Lord, & that is properly to maintaine the wars betweene England & them of Scotland, or of

Wales,

**Wales**, and not between  
other landes, for that, that  
those foresaid landes shuld  
bee of right belonging to  
the Realme of England.

See Lit. lib. 2. cap. 3.

204

**Esplees.**

**Esplees**, is as it were the  
seisin or possession of a  
thing, profit, or commodi-  
tie that is to be taken, as  
of a common the esplees  
is the taking of the grasse  
or common, by þ mouths  
of the beasts that common  
there: Of an aduowson,  
the taking of grosse tithes  
by the Parson presented  
thereunto: Of wood, the  
selling of wood, of an Or-  
chard, the selling of appels  
and other fruite growing  
there: Of a mil, the taking  
of toll is the Esplees, & of  
such like. And note, that  
in a writ of right of land  
or aduowson, or such like,  
the demaundant ought to  
alleadge in his count, that  
he or his anncestors tooke  
the Esplees of the thing in  
demaund, or otherwise the  
pleading is not good.

205

**Essoine.**

**Essoine**, is where an actiō  
is brought, & the plain-

**Gales**, & non pas perenter  
autres terres, pur ceo q̄ les  
auantdit terres serront de  
droit appendant a la Roi-  
alme Dengleterre. Vide  
Lit. lib. 2. cap. 3.

**Esplees.**

**Esplees**, est siccome le sei-  
sin, ou possession d'un  
chose, profit, ou commo-  
dity q̄ est a prendre, come  
dun common les Esplees  
est le prendre del grasse ou  
common per les bouches  
de les beasts que common  
la: Dun aduowson le pren-  
der de grosse dimes per le  
Parson presented al ceo:  
De boys, le vender de bois:  
dun orchard, le vender de  
pomes & auts fruits cres-  
sants la: Dun molin, le pri-  
sel de tol est les Esplees, &  
de tiels semblables. Et no-  
te, que en brieve de Droit  
de terre, ou aduowson, ou  
tiels semblables, le demā-  
dant doit alleadge en son  
count, que il ou ses auce-  
stors prise les esplees de  
chose en demaund, ou au-  
terment le count nest bon.

**Essoine.**

**Essoine**, est lou vn action  
est port, & le plain-  
tife



# The Exposition of

tise ou defendant ne poit  
bien appearer al iour en  
court pur vn de 5. causes  
desonh exprees, donqs  
il serra effoine de sauoir son  
default.

tise or defendant may not  
well appeare at the day in  
court for one of the 5. cau-  
ses vnder expreesed, then  
he shall be effoined to saue  
his default.

Nota que sôt 5. maners  
de Effoines, cest adire, Ef-  
foine de ouster le mere, &  
per ceo le defendant au-  
ra iour per xl. iours. Le  
second Effoine est de ter-  
ra sancta, & sur ceo le  
defendant auera iour per  
vn an & vn iour, & les de-  
ux seront gist al commen-  
cement del plee. Le tierce  
effoine est de male vener, &  
ceo serra adorne ad com-  
mon iour come action re-  
quire, & appelle common  
effoin, & quant, & coment  
cest effoine serra, vide les  
statutes, & lieu de abridg-  
ment de statutes, lou il est  
bien declare. Auxy le 4.  
Effoin est De malo lecti, &  
ceo est solement en brieft  
de droit, & sur ceo issera  
brieft hors del Chaunce-  
rie direct al Vicont, que  
il maundera quarter Chi-  
ualers al tenant de veier le  
tenaunt, & si il soit ma-  
ladie, de doner a luy

Note well that there be  
5. maner of Effoines, that  
is to say, effoine De ouster  
le mere, & by that the de-  
fendant shall haue a day by  
xl. daies. The second Ef-  
foine is De terra sancta, &  
vpon this the defendant  
shall haue a day by a pere &  
a day, & these twain shall be  
laid in the beginning of þe  
plee. The thurd effoine is  
De male vener, & that shall  
be adioyned to a common  
day as the actiõ requireth,  
and this is called the com-  
mon effoin, & when, and  
how this effoine shall bee,  
looke the statutes, and the  
Abridgement of statutes,  
where it is well declared.  
And the 4. Effoine is De  
malo lecti, & that is onely  
in a writ of right, & ther-  
vpon there shall a writ go  
out of the Chauncery, di-  
rected to the Sherif, that he  
shall send 4. Knightes to  
the tenant to see the tenat,  
and if he be sick, to giue a  
day

day after a yeares a day. Also the fifth Essoine is de service del Roy, & it lyeth in all actions except in Assise de Nouel disseisin, a writ of Dower, Darreine presentment, & in appeal of Murder, but in this essoine it behoueth at the day to shew his warrant, or else it shall turne vnto a default, if it be in a plee real, or else he shall lose xx. s. for the iourney, or more, by the discretion of the Justice, if it be in a plee personall, as it appeareth by the Stat. of Gloucester cap. 8.

iour apres vn an & vn iour. Auxy le 5. Essoine est de service le Roy, & gist en tous actions: lorsque en Assise de Nouel disseisin, briefe de Dower, Darreine presentment, & en appeal de Murder, mes en cest Essoine il couient al iour de monstre son garrant, ou autrement il turnera a vn default, sil soit en plee real, ou autrement il perdrà xx. s. pur le iourney, ou plus, per le discretion del Justice, sil soit en plee personnel, vt patet per le statute de Gloucester cap. 8.

106 Estoppel.

Estoppel, is when one is concluded and forbidden in Law to speake against his own act or decree, yea although it be to say the truth.

And of Estoppels there are a great many, one for example is, when T. S. is bound in an obligation by the name of T. S. or any other name, & is sued afterward according to his name in the Obligation, that is to say T. S. now

Estoppel.

Estoppel, est quant vn est conclude & denie en ley de parler encounter son act ou fait demesme, nient obstant il soit pur dire le veritie.

Et de Estoppels il y ad vn graund number, vn pur example est, quant T. S. est oblige en vn obligation per le nosme de T. S. ou ascun autre nosme, & est sue aps accordant al mesme le nosme mis en le obligation, cest adire T. S. ere M. ij. il

## The Exposition of

il ne serra receiue adir que  
il est misnomme, mes serra  
chase a responder accord'  
al nosme mis en le obli-  
gation, cest adire, T. S. car  
peradventure loblige ne  
scauoit pas son nosme, mes  
per le report tantselement  
del obligour mesme, &  
entant que il est mesme le  
home que fuit oblige, il  
terra estoppe & denie en  
ley, pur adire le contra-  
rie euconter son fait de-  
mesme, car autrement il  
poit prendre aduantage de  
son tort demesme, le quel  
le ley ne voit suffer vn  
home de faire.

Auxy si le file que est  
heire a son pere, voit suer  
liuerie oue sa soer que est  
vn bastard, el ne serra  
apres receiue pur dire que  
sa soer est vn bastard, en-  
tant que si la bastard soer  
prikt le moitie del terre  
oue loy, il nad remedy per  
le ley.

Auxy si vn home seisie  
de terre en fee simple voit  
prendre vn leas pur ans de  
m le terre de vn estranger  
per fait endent, cest vn e-  
stoppel durant le terme de

he shall not be receiued to  
say, that hee is misnamed,  
but shall be driuen to ann-  
swere according to h name  
put in the obligation, that  
is to say, T. S. for perad-  
venture the obligee did  
not know his name, but  
by the report of the obli-  
gour himsele, & in as much  
as he is the same man that  
was bound, he shall bee  
estopped, and forbidden in  
Law, to say contrarie to  
his owne deed, for ether-  
wise he might take aduan-  
tage of his owne wrong,  
which the Law will not  
suffer a man to do.

Also if the daughter that  
is an heire to her father,  
will sue liuerie with her  
sister that is a bastard,  
shee shall not afterwarde be  
receiued to say that her  
sister is a bastard, inso-  
much that if her bastard  
sister take halfe the land  
with her, there is no reme-  
die by the Law.

Also if a man seised of  
lands in fee simple wil take  
a leas for yerres of h same  
land of a stranger by deed  
indented, this is an estop-  
pell during the terme of  
yerres,

peres, & the lessee is there-  
by barred to say the truth,  
for the truth is, that he  
that leased the lād had no-  
thing in it at þ time of the  
lease made, and that the fee  
simple was in him that did  
take the lease: but this he  
shall not be receined to say  
til after the peares are de-  
termined, because it appe-  
reth that he hath an estate  
of peres, & it was his folly  
to take a lease of his owne  
lands, & therfore that thus  
be punished for his folly.

ans, & le lessee est pur ceo  
barre adire le veritie, car  
le veritie est, que il que  
lessa la terre nadiens en  
ceo al temps del leas fait,  
& que le fee simple fuit en  
luy que prist le leas: Mes  
ceo il ne serra receiue a-  
dire tanque apres les ans  
serra determine, pur ceo  
que il appiert q il ad estate  
pur ans, & il fuit son folly  
de prendre vn leas de ses  
terres demesme, & pur ceo  
serra issint punie pur son  
folly.

207 Estrangers.

EStrangers, are sountimes  
taken, they that are not  
parties or priuies to þ le-  
uying of a fine, or making  
of a bond: Somtimes they  
that be bozn beyond þ leas

208 Estray.

EStray, is wher any beast  
or castell is in any lord-  
ship, and none knoweth  
the owner thereof, then it  
shall be seised to the vse of  
the King, or of the Lord  
that hath such estray by  
the & graunt, or by pre-  
scription: And if þ owner  
come & make claime ther-  
to within a yeare & a day,

Estrangers.

EStrangers, sont ascun  
foits prise, ils q ne sont  
parties ne priuies al fina-  
leue, ou fesans de vn fait:  
Ascun foits ils q sont nee  
ouster le mere.

Estray.

EStray, est lou ascun beast  
ou cattell est en ascun  
seignorie, & nul conust le  
owner de ceo, donques  
ceo serra seisie al oeps le  
Roy, ou de le Seigni-  
our que ad tiel estray per  
graunt le Roy, ou per  
prescription, & si le ow-  
ner vient & fait claime  
a ceo deins an & iour,

M. iij.

don-

## The Exposition of

<p>donques il le reuera, ou auterment apres le an le propertie de ceo serra al Seignior, issint que le S<sup>h</sup>r face proclamation de ceo accordant a le ley.</p>	<p>then he shal haue it again, oz else after the yeare the propertie therof shal be to the Lord, so that the Lord make proclamation therof acording to the Law.</p>
--	---

### 209 Estrepment.

**E**strepment, est vn briefe,  
& gift lou vn est implede  
per vn Precepe quod red-  
dat, pur certaine teire, si le  
demaundant suppose que  
le tenant voile faire wast  
pendant le plee, il auera  
vers luy cest briefe que est  
vn prohibition, luy com-  
maundant que il ne face  
wast pendant le plee.

Et cest briefe gift pro-  
perment lou vn home de-  
mande terre per Forme-  
don, ou briefe de Droit, ou  
tiels briefes lou il ne reco-  
uer damage, car en tiels  
briefes lou il recouera da-  
mages, il auera ses dama-  
ges, ayant regard al wast  
fait.

### 210 Estate probanda.

**E**tate probanda, est vn  
briefe d'office, & gift pur  
le heire le tenant que tient  
del Roy in capite, pur pro-  
uer que il est de pleine age,

### Estrepment.

**E**strepment, is a writ, &  
it lieth where one is im-  
pleaded by a Precepe quod  
reddat for certaine land, if  
the demandaunt suppose  
that the tenant will doe  
wast hanging the plee, he  
shal haue against him this  
writ which is a prohibi-  
tion, commaunding him  
that he do no wast hang-  
ing the plee.

And this writ lieth pro-  
perly where a man dema-  
ndeth lands by Formedon,  
oz writ of Right, oz such  
writs where hee shall not  
recouer damages, for in  
such writs where hee shal  
recouer damages, hee shall  
haue his damages, having  
regard to the wast done.

### Estate probanda.

**E**tate probanda, is a writ  
of office, & it lieth for the  
heir of the tenant that held  
of the king in chiefe, for to  
proue that he is of full age,

directed to the Shirife to enquire of his age, & then he shall become tenant to the king by the same seruices that his auncestors made to the king: But it is said that euery one that shall passe in this enquest shall bee of the age of xliij. yeares at least, so that hee was of full age when he p'sueth the writ was bozne.

direct al vicont pur inquier de son age, & donques il deuiendra tenant al Roy per mesme les seruices que son auncestor fist al Roy: Mes il est dit, que chescun que passera en cest enquest serra del age de xliij. ans al meins, issint que il fuit de pleine age al temps quant cestuy que fust le briefe fait nee.

211 Excommungement.

EXcommungement, is to say in Latine Excommunicatio, and it is where a man in Court Christian is excommunged, then hee is disabled to sue any action in the kinges Court, and if hee remaine excommunicate xl. daies, and will not be iustified by his Ordinary, then the Bishop shall send his Letter patent to the Chancelor to certifie this Excommunication or contempt, and thereupon it shall bee commanded to the Shirife to take the body of him that is accursed by a writ called de excommunicatio capiendo, til he hath made agreement to holy church for

Excommungement.

EXcommungement, est adire en Latine Excommunicatio, & est lou vn home per la iudgement en Court Christian est excommunge, donques il est disable de suer aucun action en Court le Roy, & sil remaine excommunge xl. iours, & ne voile esse iustifie per son Ordinarie, donques le Euesque mandera son letter al Chancelour de certifier le excommunication ou contempt, & sur ceo serra command al Vicount de prendre le corps lexcommunge per vn briefe ap'pel Excommunicatio capiendo, iusque il ad fait gree al saint Eglise pur

# The Exposition of

le contempt & tort , & quant il est iustice , & ad fait gree , donque leuel- que maundera la letter al Roy, certifiant ceo, & don- ques serra maunde al vis- count de luy deliuer per vn briele appell Excom- municato deliberando.

Veies le statute 5.E.6.

the contempt and wrong, and when he is iustified & hath made agrement, the Bishop shall send his letters to the King certi- fying the same, and then it shall be commanded to the shirife to deliuer him by a writt called Excommuni- cato deliberando.

See the statute 5.E.6.

## 212 Exchange.

EXchange est lou vn home est seisi de certain terre, & vn autre home est seisi de autre terre, si ils p vn fait endent, ou sans fait si le terres sont en vn coun- tie, exchange leur terre, issint que chescun de eux auera auters terres a luy issint exchange en fee, en fee taile, ou a terme de vie, ceo est appel vn exchange, & est bone sans livery & seisin.

Auxy in exchange il co- vient que les estates a eux limitee per l'exchange sont egalles, car si vn aueroit estate en fee in la terre, & l'auter aueroit estate in autre terre forsque pur fee de vie, ou en taile, dō- ques tiel exchange est void, mes si les estates sont

## Exchange.

EXchange, is where a mā is seised of certaine land, and another man is seised of other land, if they by a deed indented, or with- out deed, if the lands be in one countie, exchange their lands so that euery of the shall haue other lands to him so exchanged, in fee, fee taile, or for term of life, that is called an exchāge, and is good without livery & seisin.

Also in exchange it be- houeth that the estates to the limited by the exchāge be equal, for if one should haue an estate in fee in his lād, & the other should haue estate in the other land but for terme of life, or in taile, the such exchange is void, but if the estates be equal,

egall, and the lands be not  
of egall value, yet the ex-  
change is good. Also an  
exchange of rent for land  
is good. Also an exchange  
betwene rent & common  
is good, and that ought to  
be by deed. Also it behoov-  
eth alway, that this word  
exchange be in the deed, or  
els nothing passeth by the  
deed except that he have li-  
uerie and seisin.

213 Execution.

**Execution**, is where iudg-  
ment is giuen in any ac-  
tion that the plaintife shall  
recouer the land, debt, or  
damages, as the case is, &  
when any writ is award-  
ed to put him in possessiō,  
or to do any other thing,  
whereby the pl<sup>t</sup> should the  
better be satisfied his debt  
or damages, & is called a  
writ of executiō, & when he  
hath the possessiō of h<sup>e</sup> lād,  
or is paid of h<sup>e</sup> debt or da-  
mages, or hath the body of  
the defendant awarded to  
prison, thē he hath executi-  
on, & if the plee bee in the  
countie or court barō, or hū-  
dred, & they defer the exe-  
cution of the iudgement in  
faour of the party, or for

egall, & les terres ne sont  
de egal value, vncore lex-  
change est bone. Auxy  
vn exchange de rent pur  
terre est bone. Auxy ex-  
change inter rent & com-  
mon est bone, & ceo coui-  
ent este per fait. Auxy il  
couient tous soits, q<sup>ue</sup> ce  
parol exchange soit in le  
fait ou autrement rien pas-  
sa per le fait sinon q<sup>ue</sup> il aiet  
liuerie & seisin.

Execution.

**Execution**, est lou iudge-  
ment est done en aucun  
action q<sup>ue</sup> le plaintife reco-  
uera la terre, le det ou da-  
mages, come le case est, &  
q<sup>ue</sup> aucun briefe est agarde  
de luy mitter en possessiō  
ou de faire aucun chose, per  
que le plaintife terra le mē-  
eux satisfe son del t ou da-  
mages, ceo est appel briefe  
de execution, & quant  
il ad le possessiō de le  
terre, ou est pay de det ou  
damages, ou ad le corps  
le defendant agard al pri-  
son, donques il ad execu-  
tion, & si le plee soit en  
County, ou Court Baron,  
ou hundred, & ils delaient  
le execution del iudgemēt  
in faour de party ou pur  
auiet



### The exposition of

auter encheafon, donques le demandant auera brieve de Executione iudicij. Nota que en brieve de dette, home nauera recouery de nul terre, mes de ceux que le defendant auoit iour de iudgement rendu. Et de chateux home auera execution seulement des chateux, queux il auoit iour de execution sue.

214 Executor.

EXecutor est quant home fait son Testament & darreine volunte, & in ceo nosma le person que executera son testament, donque cestuy que est illicit nosme est son executor, & est a tant come en le ciuil ley (hires designatus vel testamētarius) come al det, biens & chateils son testator, & tiel executor auera action vers chescun debitor de son testator, & si le executors ont assers, chescun a que le testator fuit indebt, auera action vers le executors sil ad obligation ou especialty, mes in chescun case lou le testator puiffloit gager son ley, nul action gist vers executor.

other cause, the the demandant shall haue a writ of Executione iudicij. Note that in a writ of debt, a man shall not haue recouery of any lāds, but of them which the defendan hath the day of the iudgemēt ordeed. And of catells a man shall haue execution only of the catells, which he hath day of the execution sued.

Executor.

EXecutor, is when a man maketh his testament & last will, and therein nameth the person that shall execute his testament, then he that is so named is his executor, & is as much as in the ciuil law, (hires designatus or testamētarius) as to debts, goods & catells of his testator, & such an executor, shall haue an action against euery debitor of his testator, & if the executors haue assers, euery one to whom the testator was in debt, shall haue an action against the executor, if he haue an obligatiō or specialty, but in euery case wher the testator might swage his lawe, no action lieth against the executor.

Looke

Looke more thereof befoze  
in the title Administratozs.

215

Exigent.

**EX**igent, is a writ, & it lyeth where a man sueth an action personal, and the defendant cannot be found, nor hath nothing within the county wherby he may be attached nor distrained, the this writ shal go forth to the Shyrlif to make proclamation at fine counties enery one after an other, that he appear, or else that he shal be outlawed: & if he be outlawed, then all his goods & chattels be forfeit to the king. Also in an indictment of felony, the Exigent shal go forth after the first Capias. And also in a Capias ad computandum, or ad satisfaciendum: And in enery Capias that goeth forth after iudgement, the Exigent shal go forth after the first Capias. And also in an appeal of death, but not in an appeal of robbery, or appeal of mayhem.

216

Ex parte talis.

**EX** parte talis, Look therfore befoze in the title Accompt.

Vide plus de cco deuant  
titulo Administratozs.

Exigent.

**EX**igent, est vn briefe, & gist lou home sue action personal, & le defendant ne puit estre trouue, ne ad riens deins le Countie, per que il puit estre attache ne distraigne, donques cest bre illera al Vicount de faire proclamation al v. Counties chescun apres auter, que il appeare, ou autrement que il serra velage: & si soit velage, donqs tous ses biens & chateaux sont forfeites al Roy. Auxy en vn indictment de felonie, le Exigent illera apres le primer Capias. Et auxy en Capias ad computandum, ou ad satisfaciendum, & en chescun Capias que issist apres iudgement, le Exigent illera apres le primer Capias. Et auxy en appeal de mort, mes nemy en appeal de robbery, ou appeal de mayhem.

Ex parte talis.

**EX** parte talis, Vide de cco deuaunt titulo Accompt.

Ex

The Exposition of

217 Exgrau querela.

Exgrau querela.

EXgrau querela, Vide de  
ceo deuant titulo De-  
uile.

EXgrau querela, Toke  
therefoze befoze in the  
title Deuile.

218 Extinguishment.

Extinguishment.

EXtinguishment, est lou  
ascun Shr, ou ascū aurer

EXtinguishment, is wher  
any Lord, or any other,

ad ascun rent ou service  
issuant dascun terre, & il

hath any rent or service  
going out of any land, & he

purchafe mesme le terre,  
issint que il ad tiel estate

purchaseth the same land,  
so that hee hath such estate

en la terre, come il auoit  
en le rent, donques le rent

in þ land as he hath in the  
rent, the the rent is extinct,

est extinct, pur ceo que  
vn ne puit auer rent issuant

for that one may not haue  
rent going out of his own

hors de son terre demesne.  
Auxy qūc ascun rent serra

land. Also when any rent  
shall be extinct, it behoueth

extient, il couient que le  
terre & le rent sont en vn

that the land and the rent  
be in one hand, & also that

maine, & auxy q̄ lestate q̄  
il ad ne soit defeasible, &

the estate that he hath be  
not defeasible, & also that

auxy q̄ il ait auxy bō estate  
en la tre cōc en le rent, car

he haue as good estate in  
the land, as in the rent, for

fila l estate en la tre forsq;  
pur fine de vie, ou dans, &

if he haue estate in þ land  
but for terme of life, or

ad va fee simple en le rent,  
donqs le rent nest extinct,

yeares, & hath fee simple  
in the rent, then the rent is

mes le rent est en suspence  
pur cel temps, & donques

not extinct, but the rent is  
in suspence for that time,

apres le terme le rent est  
reuiue. Auxy si soit Seig-

& then after the terme, the  
rent is reuiued. And if

niour, mesme, & tenanc, &  
le Seignieur purchafe la

there be Lord, mesme, & te-  
nant, & the Lord purchafe

tenancie, donques le mes-  
naltie est extinct, mes le

the tenanc, then þ mesnal-  
ty is extinct, but the mesne

mesme auera le surplusage

shall haue the surplusage  
of

of the rent, if there be any, as rent secke. Also if a man haue a highway appendant, & after purchase the land wherein the highway is, then the way is extinct: and so it is of a common appendant.

219 Extortion.

Extortion, is wrong done by an officer, Ordinary, Archdeacon, Official, Maior, Bailife, Shurife, Escheto, Cozoner, Undershurife, Gailler, or other officer, by colour of his office, in taking excessive reward or fee, for execution of his said office, or otherwise, & is no other thing indeed, then plaine robbery, or rather moze odious then robbery, for robbery is apparant, and alwayes hath with it the countenance of vice, but extortion being as great a vice as robbery is, carrieth with it a countenance of vertue, by meanes whereof it is the moze hard to be tried, or discerned, & therfore the moze odious, and yet some there be that wil not sticke to stretch their office, credit & conscience, to purchase

del rent, si ascun soit, come rent secke. Auxy si home ad chymin appendant, & puis purchase le terre en q le chymin est, donques le chymin est extinct, & ainsi est de vn commun appendant.

Extortion.

Extortion, est vn tort fait per vn Officer, Ordinaire, Archdeacon, Official, Maier, Bailife, Vicount, Escheto, South-vicount, Cozoner, Gailler, ou autre officier, colore officij sui, en prendrans excessive reward ou fee, pur execution de son dit office, ou autrement, & nest autre chose en fait, que plaine robbery, mes plus odible q robbery, car robbery est apparant, & tout temps ad eue luy le countenance de vice, mes extortion estant cy hault vice come robbery est, port oue luy vn countenance de vertue per reason de quel il est le plus dure de se trier, ou discerner, & pur ceo le plus odible, & vncore ascuns il y ad que ne voiloyent demurrer mes stretch leur office, credit, & conscience, pur purchaser money,

## The Exposition of

money, cibien per extortion, come autrement, accordant al disans de le Poet Virgil, Quid non mortalia pectora cogit, auri sacra fames?

money, aswell by extortion as otherwise, according to the saying of the Poet Virgil, what is that that hunger swart of gold doth not constrain men mortall to attempt?

F.

220 Failer de Record.

**F**ailer de Record, est quāt vn action est port enuers vn, & le defendant plede ascun matter de Record en auter sort, & auerit de ceo proue per le record. Et le plaintiff dit nul tiel record, sur que le defendaunt ad iour done a luy, pur amesū eins le record, a quel iour il faile, ou amesne eins vn tiel que nest barre, al cest action, donques il est dit de failer de record, & sur ceo le plaintiffe auera iudgement de recouerer &c.

Fait.

**F**Ait, est vn escript enseale & d-louer, a prouer & testifier le agreement del partie, quel fait il est, al chose containe en le fait, come vn fait de feoffmēt est vn proue del liuerie de

F.

Failing of Record.

**F**ailing of Record, is when an actiō is brought against one, and the defendant pleadeth any matter that is of recozd in an other sort, and both auerre to proue it by recozd. And the plaintiffe saith there is no such recozd, wherupon the defendant hath day giuen him to bring in the recozd, at which day he sayleth, or brought in such a one, as is no barre to this action, then he is said to faile of his recozd, & thereupon the plaintiff shal haue iudgement to recouer, &c.

Deede.

**D**Eede, is a writing sealed and deliuered, to proue & testifie the agreement of the partie, whose deede it is, to the thing contained in the deede, as a deede of feoffment is a proue of the liuerie of

seisin,

seisin, for the land passeth by the liuery of seisin, but in hen the deed and the deli- uery are ioyned together, that is a prooue of the liue- rie, and that the feoffor is contented that the feoffee shall haue the land. And note, that al deedes are ey- ther indented, whereof there be two, thre or more partes, as the case requi- reth, of which the feoffour, grauntoz, or lessour hath one, the feoffee, graunter, or lessee another: And per- aduenture some other bo- dy also another, &c. Or els they are poll deeds, or sin- gle, and but one, which the feoffor, graunter, or lessee hath, &c. And euery dede consisteth of thre princi- pal points, (and if these thre be not ioyned toge- ther, it is no perfect dede to bind the parties) namely, writing, sealing, and deli- uery.

The first point is writ- ting, whereby is shewed the parties names to the Deed, their dwelling pla- ces, their degrees, the thing granted, vpon what considerations, the estate

seisin, car le terre passa per le liuery de seisin mes quant le fait & le liuery est ioynt ensemble, cest vn proue del liuery, & que le feoffor est content, que le feoffee auera le terre. Et nota, que tous foites sont ou indent, de quel y sont deux, troies, ou pluse- partes, come le case re- quire, de que le feoffour grauntor ou lessour ad vn; le fessce, grantee, ou lessee, vn auter: Et per aduenture aucun auter person auxy vn auter &c. Ou auter- ment ils sont faits pol, ou single, & forsque vn, le quel le feoffee, grantee, ou lessee ad &c. Et chescun fait consist de trois princi- pal choses, (& si ceux trois ne sont ioyne ensemble, il nest perfect fait de lier les parties) nosmemet, escrip- ture, sigillation, & deli- uerie.

Le primer point est es- cripture, per que est de- clare les nosmes del par- ties al fait, leur habi- tation, leur degrees, le chose grauntus sur queux considerations, le estate limit,

The Exposition of

limit, le temps quant il fuit limited, the time when it  
grauncus, & si simplement was graunted, and whe-  
ou sur condition, oue au- ther simply, or vpon con-  
ters tielx semblables cir- dition with other such  
cumstances. Mes si les like circumstances. But  
parties al fait, elcript en le whether the parties vnto  
fine lour noines demesme, th: deed, write in the end  
on mis a ceo lour makes their owne names, or set  
(come il est communemēt to their marks (as it is  
vse) il ne fait aucun matter commonly vbled) it ma-  
(come ieo suppose) car ceo keth no matter at all (as  
nest entende, ou il est dit, I thinke) for that is not  
que chescun fait couient meant, where it is saide  
de auer elcriture. that euery deede ought to  
haue writing.

Le second point est si- The second point is  
gillation, que est plus se- sealing, which is a further  
timonie de lour consents testimony of their consents  
al ceo containe en le fait, to that contained in the  
come appiert per ceux deede, as it appeareth  
parolx. In cuius rei testi- in these words. In wit-  
monium &c. ou a tiel ef- nes whereof, &c. or to such  
fect, mis en le fine de effect, alwaies put in the  
faits, sans queux parolx, latter end of deedes, with-  
le fait est insufficent. Et out which woordes the  
pur ceo que nous sumus deed is insufficent. And  
en sigillation & signing because we are about sea-  
de faits, il ne serra de- ling and signing of deedes,  
hors, icy a monstre a it shall not bee much a-  
vous, pur le amour del an- misse here to shewe you,  
tiquitie, le maner del sig- for Antiquities sake, the  
ning & subscribing de manner of signing & sub-  
faits, en nostre aucest- scribing of deedes, in our  
ors le Saxons temps, vn aucestors the Saxons  
fashion different de ceo q times, a fashion differing  
nous vse en ceux nostre fro that we vse in these our  
daies;

dayes, in this that they to their deedes subscribed their names (commonly adding the signe of the Crosse,) and in the ende did let downe a great number of witnesses, not vsing at that time any kinde of seale. And wce at this day for more suertie, both subscribe our names, (although that be not verie necessarie, as I haue aforesaid) and put to our seales, and vse the help of testimony besides. That former fashion continued throughtout, vntil the time of the Conquest by the Normans, whose maners by little & little at length preuailed amongst vs, for the first sealed Charter in England is thought to be that of King Edward the Confessor to the Abbey of West. who being brought vp in Normandy, brought into this realme, that and some other of their guises with him. And after the coming of William the Conqueror, the Normans liking their owne countrie customes (as naturally all Nations doe) reiect

iours, en ceo que ils a lour faictes subscribe leur noms, (communement adding le signe del Crosse) & en le fine mis un grand nombre des testimoignes, n'est v-  
sant a cel tēps aucun manē de sigil. Et nous a cest iour pur plus suertie, auxy bien subscribe nostre nosme (ni-  
ent ostant ceo n'est mult necessary, com ieo aye de-  
uant dit (& mis nostre sigil-  
les, & vse le ayd des resmoignes auxy. Cest  
primer fashion continue  
per tout, tanq; al temps  
del Conquest p les Nor-  
mans, que maners per  
petit & petit al darayne  
preuayle enter nous, car  
le premier Charē sigil en  
Engleterre est pense delā  
ceo del Roy Edward le  
Confessour al Abbey de  
Westminster, que esteant  
educate en Normandy,  
port en cest Realme ceo,  
& s'eun autre de leur  
guises. Et apres le veniens  
de Guiliam le Conque-  
rour, les Normans esti-  
māts de le custome de leur  
pays (come naturelment  
tous Nations font) reiect  
N. le



# The Exposition of

le maner que ils trouuent cy, & reuegnont leur proper, com Ingulphus le Abbot de Croiland, que vient eins oue le Conquestes moygne, dicens: Normanni cheirographorum confectionem, cum crucibus aureis, & alijs signaculis factis in Anglia humari solitam in cæra impressamurant, modicum resciunt. Mes nient obstant ceo ne fuit fait tout al vn temps, mes il encreale & vient eins per certain steps & degres, ilint que primes & pur vn sealon le Roy solement, ou vn peu auters de le Nobilitie ouster luy vse de sigiller: Donques le Noble homes pur le plus part, & nul auters: Quel chose vn home poyt veyer en le History de Battel Abbey ou Richard Lucy chiefe Iustice de Engleterre, en le temps del Roy Henry le second, est report de auer blame vn meane subiect. pur ceo que il vse vn priuate sigille, quant ceo pertaine (come il dit) al Roy & Nobilitie solement,

the maner that they found here, and returned their owne, as Ingulphus the Abbot of Croiland, who came in with the Conquest witnesseth, saying: The Normans do change the making of writings which were wont to be firmid in England with crosses of gold, and other holy signes, into the printing ware, and they reiect also the maner of the English writing. Howbeit this was not done all at once, but it increased and came forward by certayne steps and degrees, so that first and for a season the king onely, or a fewe other of the Nobilitie besides him used to seale: Then the noble men for the most part, & none other: which thing a man may see in the Historie of Battel Abbey, where Rich. Lucy chiefe Justice of Englad, in the time of H. 2. the second, is reported to haue blamed a mean subiect, for that he used a priuate seal, when as that pertained (as he said) to the king and Nobilitie onely.

At which time also (as I. Rosse noteth it) they bled to ingraue in their seales, their own pictures, and counterfeits, covered with a long coat ouer their Armoirs. But after this the Gentlemen of the better sort toke by the fashion, and because they were not all warriors, they made seales ingrauen with their fenerall coates or shields of armes, for difference sake, as the same author repozieth. At the length about the time of King Edward the third, seales became verie common, so that not only such as bore armes vled to seale, but other men also fashioned to themselves Signets of their own deuises, some taking the letters of their owne names, some flowers, some knots, & flourishes, some birds, and beastes, and some other things as we now yet daily behold in vse.

Some other maners of sealing besides these haue bin heard of among vs, as namely that of King Edward the third, by which

A quel tēps auxy (come I. Rosse note ceo) ils vse de ingraue en leur sigils, leur pictures demesme, & counterfeits, couer oue longe tunicle sup leur Armours. Mes apres ceo les Gentlehomes del meliour sorts priſt le fashion, & pur ceo que ils ne fueront tous guerriours, ils fesoient sigilles engraue oue leur feneral coates ou shields de armes, pur diff. rēce, come mesme le authour report. Al darreine, en temps del Roy Edward le 3. sigils furent mult common, issint que non solement tiels que portant armes vse de sigiller, mes auter homes auxy fesoient al eux mesmes Signets de leur deuises demesme, ascuns piēdrants les letters de leur nosmes demesme, ascuns flowers, ascun knots, & flourishes, ascuns oyseaux, & beastes, & ascuns auters choses, come no<sup>r</sup> ore vncōr iournalement veiomus en vse.

Ascuns auters manners de sigillation ouster ceux ad estre oye enter nous come nosmement ceo del Roy Edw. le tierce, per que  
N. ij. il

## The Exposition of

il done al Norman le hunter: Le hop & le hop ville, oue toutes les boundes vpside downe, & en tesmoign que il soit verie, il morde le cere oue son fore dent.

Le semblable de cest fuit monstre a moy per vn de mes amies en vn loose chart, mes non mult auncientment escript, & pur ceo il voile moy q' ieo esteema de ceo (de ieopense bien: Il fuit come ensuit.

Ieo Guiliam king, done a vous Powlen Royden, ma hop & ma hop terres, oue tous le boundes vp & downe, de celo al terre, de terre ad infernum, pur toy & vestres a demurer, de moy & mes, al toy & vestres, pur vn arcke & vn broad sagit, quauit ieo veigne pur hunter sur Yar-row. In testimoigne q' ceo est veray, ieo morde cest cere oue mon den: en presence de Magge, Maude, & Margery, & mon tierce frz Henry.

Item ceo de Alberic de Veer, conteignant le donacion de Hatfield, al quel il fixe vn curt noyer hafe

hee gaue to Norman the hunter: The hop and the hop towne, with all the bounds vpside downe, & in witnesse that it was sooth, he bit the waxe with his fore tooth.

The like to this was shewed to me by one of my friendes in a loose paper, but not verie aunciently written, and therefore hee willed mee to esteeme of it as I thought good: It was as followeth.

I William king, giue to the Powlen Royden, my hop and my hoplands, with all the bounds vp & downe, from heauen to earth, from earth to hell, for thee & thine to dwell, from mee and mine, to thee and thine, for a Bow and a broad arrow, when I come to hunt vpon Yar-row. In witnes that this is sooth, I bite this waxe with my tooth, in the presence of Magge, Maude, & Margery, and my third Sonne Henry.

Also that of Alberic de Veer, containing the donacion of Hatfield, to the which hee affixed a short blacke

blacke hasted knife, like vnto an olde halfepeñaie whittle, in steede of a seale with diuers such like.

But some peradventure wil thinke that these were receiued in common vse & custome, & that they were not rather the deuises and pleasures of a fewe singular persons, such as are no lesse deceiued, then they that deeme euery Charter and writing that hath no seale annexed, to be as ancient as the Conquest, whereas indeede sealing was not commonly vsed, till the time of king Edward the third, as hath been already said.

The third point is deliuerie, which although it be set last, is not the least, for after that a deede is written and sealed, if it be not deliuered, all the rest is to no purpose.

And this deliuerie ought to be done by the party himselfe, or his sufficient warrant, and so it shall bind him, whosoener wrote or sealed the same, and by this last act, the deede is made perfect, according to

coutel, semblable al vn vieux demy denier whittle, en steed de vn seale, oue diuers tielx semblables.

Mes aucun peradventure voylent pense que ceux fueront receiue en commun vse & custome, & que ils ne fueront les deuises & pleasures dun peu singular persons, tiels quels ne sont meines deceiue, que ils que pensont chescun charter & escript que ne ad sigil annexe, destre cy auient come le Conquest, lou en veritie sigillation ne fuit communement vse tant que al temps del Roy Edward le tierce, come ad este dit.

Le tierce point est deliuerie, quel nient obstant il soit mis darreine, nest le meanest, car apres que vn fait soit escript & sigille, si ne soit deliuer, tout le residue est a nul purpose.

Et cest deliuerie doit estre fait per le party luy mesme, ou son sufficient garrant, & issint il luy liera quecunque escript ou sigil ceo, & per cest darreine acte, le fait est fait perfect, accordant al

## The Exposition of

entent & effect de ceo, & the intent and effect there-  
pur ceo en faitz le deli- of, and therefore in wordes  
uerie est destre proue, the deliuerie is to be pro-  
&c. ued, &c.

Issint poies veyer que  
escripture & sigillation  
sans deliuerie est a nul pur-  
pose: Que si illation &  
deliuerie lou nest aucun es-  
cripture, worke nul chose:  
Ne escripture & deliuerie  
sans sigillation auxy fait  
nul fait. Et pur ceo ils  
toutes doivent ioinment  
concurrer pur faire vn per-  
fect fait, come est auant-  
dit.

So thus you see that  
writing and sealing with-  
out deliuerie is nothing to  
purpose: That sealing &  
deliuerie where there is  
no writing, worke no-  
thing: Nor writing and  
deliuerie without sealing  
also make no worde. And  
therefore they all ought  
ioyntly to concurrer to  
make a perfect deed, as is  
before said.

### 222 Farme, ou Ferme.

Farme, ou Ferme, est spe-  
cialment le chiefe me-  
suage en vn village ou  
towne, a que appartient  
grand demeane de tous  
sortes, & ad este vse destre  
lesse pur terme de vie, ans,  
ou a volunt.

Item le rent que est re-  
serue surtiel le use, ou sem-  
ble, est appellee farme ou  
ferme.

Et farmour, ou fermor,  
est celuy que occupia le  
farme ou ferme, ou est les-  
see de ceo.

Auxy generalment chescun

### Farme, or Ferme.

Farme, or Ferme, is spe-  
cially the chiefe mesuage  
in a Village or Towne,  
whereto belongeth great  
demeane of all sorts, and  
hath bin vsed to be let for  
terme of life, yeares, or at  
will.

Also the rent that is re-  
serued vpon such a lease,  
or the like, is called farme  
or ferme.

And farmor, or fermor,  
is hee that occupieth the  
farme or ferme, or is lessee  
thereof.

Also generally every  
lessee

lessee for life, yeares, or at will, although it bee of neuer so small a cottage, or house, is called farmor, or fermor.

And note, that they are called farmes, or fermes, of the Saxon word Feormion, which signifieth to feed, or pardo victuall. For in the auncient time, their reservations were as wel (or for the most part) in victuals as mony, until at the last, and that chiefly in the time of R. H. 1. (by agreement) the reservation of victuals, was turned in to ready money, and so hitherto hath continued as amongst most men.

lessee pur vie, ans, ou a volent, nient obstant il soyt dun petit cottage, ou mest. cest appel farmor, ou fermor.

Et nota, q'ils sont appels farmes, ou fermes, del Saxon paroll, Feormian, que signifie pur feed, ou render victuall. Car en puintient temps, leur reservations fueront cybien (ou pur le plus part) en victual cō argent, tan que al darreine, & ceo principalment en le tēps del Roy H. 1. (per agreement) le reservation de victuals, fut conuert en ready argent, & issint vncore ad continue en plusieurs homes.

223 Faux imprisonment.

Faux imprisonment.

**F**Aux imprisonment, is a writ, and it lieth where a mā is arrested & restrained fro his libertie by another, against the order of the law, then he shall haue against him this writte, whereby he shall recouer damages. Looke more thereof before in the title Arrest.

**F**Aux imprisonment, est vn b're, & g'it lou home est arrest & reſtraine de son libertie p vn autre, encontre order de ley, donques il auera vers luy cest brieve p que il recouera damages. Vide plus de ceo deuant titulo Arrest.

# The Exposition of

## 224 Faux Iudgement.

Faux iudgement vide de  
ceo deuant titulo error.

## 225 Fee ferme.

FEe ferme, est quauant vn  
tenant tient de son seig-  
nior en fee simple rendant  
a luy le value del moiry ou  
de tierce part ou quart part  
ou de auter parte del terre,  
Per an : & que tient en fee  
ferme ne doit payer re-  
lief ou faire auter chose,  
mes sicome est contene  
en le seoffement forsq; fe-  
altie, car ceo appét a tous  
mañs tenures.

## 226 Fee simple.

FEe simple est quant as-  
cun person tient terre  
ou rent ou auter chose  
inheritable a luy & a les  
heires a tous iours, ceux  
parols ses heires font le  
state denheritance, car si  
terre soyt done a home a  
tous iours, vncore il  
nad forsque estate pour  
terme de vie. Auxy si te-  
nauant en fee simple deuie,  
son primer firs serra son  
heire, mes sil nad firs, don-  
ques tous les fies q il ad  
serront son heire, & chief-  
cun auera son parte p par-  
tition, mes sil nad hirs ne

## Faux iudgement.

Faux iudgemēt, look ther-  
foze befoze inbñtule error

## Fee farme.

FEe farme, is when a tes-  
nant holdeth of his lord  
in fee simple, paying to him  
the value of halfe, oz of the  
3. part, oz of the 4. part, oz  
of other part of the lande.  
by the yere. A no hē ē hol-  
deth by fee ferme, ought  
not to pay reliefe oz do any  
other thing then is cōtain-  
ned in the seoffemēt but fe-  
altie, for that belongeth to  
all kind of tenures.

## Fee simple.

Fee simple, is when any  
person holdeth lands oz  
rent, oz other thing inhe-  
ritable to him and to his  
heirs for euer moze, & these  
wordes his heirs make the  
estate of inheritance, for if  
land be giuen to a man for  
euer, yet hee hath but an e-  
state for terme of life. A l-  
so if the tenāt in fee simple  
die, his first sonne shall bee  
his heire, but if he haue no  
son, thē all his daughters  
that he hath shall bee his  
heires, and euery one shall  
haue her part by partition,  
but if hee haue no son noz  
daugh-

daughter, the his next co-  
sin collaterall of the whole  
blood shalbe his heire.

227 Feoffement.

FEoffemēt, is where a mā  
gimeth lands, houses, or  
other corporall thinges  
which be hereditable to an  
other in fee simple, & ther-  
of deliuereth liuery & seisin  
& possessiō, & is a feoffemēt.  
Also if one make a gift in  
fee taile, or a lease for terme  
of life, or of another mans  
life, it behoueth also to giue  
liuery & seisin, or els no-  
thing shall passe by fee grāt.

228 Feoffor and Feoffee.

FEoffor, is he that infeffeth  
or maketh a feoffemēt to  
another of lands, or tene-  
ments in fee simple. And  
Feoffee is he who is infef-  
fed, or to whom the feoffe-  
ment is so made.

229 Fealtie.

FEalty, is a seruice called  
in latin Fidelitas, & shall  
be done in such maner, that  
is to say, the tenant shall  
hold his right hand vpon  
a booke, & shall say to his  
lord, I shalbe to you faith-  
full & true, & shall beare to  
you faith for fee lands & te-  
nements, which I claime

de, donques son pcheine  
cefin collateral de lentre  
sank terra son heire.

Feoffement.

FEoffement, est l'on vn done  
terre ou tiel chose cor-  
porall hereditable a vn au-  
ter in fee simple, & de ceo  
deliuer seisin & possiſſion,  
ceo est vn feoffement,  
Auxy si vn fait done in le  
taile, ou leas pur terme de  
vie, ou pur terme d'auter  
vie, il couient auxy de  
done liuery & seisin, ou au-  
terment nens passera per  
le graunt.

Feoffor & Feoffee.

FEoffor, est celuy que en-  
feoffe, ou fait feoffement  
al auter de terres ou tene-  
ments en fee simple. Et feof-  
fee est celuy q̄ ē enfeoffe,  
ou a q̄ le feoffement est illinc  
fait.

Fealtie.

FEalty, ē vn seruice appel  
en latin Fidelitas, & seif  
fait in tiel manē cestasca-  
voir le tenant tiendra sa  
mayne dext sur vn liū, &  
dira a son seigniour. Ieo a  
vous serra foyall & loyal,  
& soy vous portera des te-  
nements, que ieo clayme  
de



The exposition of

de tener de vous, & loyal to hold of you, and truly  
vous ferra les customes & shal do to you the customes  
seruices que faire vous doy & seruices that I ought to  
al termes assignes, sicome do to you at the termes as-  
moy eide Dieu, Et basera signed, so helpe me God,  
le liuer: Mes il ne genulei And shall kisse the booke:  
come en faisant homage. Et but he shal not kneel as in  
de ceo vide apres en le ti doing homage. And therof  
tle Homage. Auxy Fealtie looke after in the title Ho-  
est incident a tous maners mage. Also fealty is inci-  
tenures. dent to all maner tenures.

Felony.

230 Felonie. Felony, is a generall  
Felonie, est vn generall terme, which comprhe-  
terme, q̄ comprehend beth diuers haynous of-  
diuers haynous offences, fences, for which the offe-  
pur que le offenders doyēt doz ought to suffer death,  
suffer mort, & perdre leur a loofe their lands: And it  
terres: Et semble que eux seemeth that they are cal-  
sont appellees Felonies, del led Felonies of the Latin  
Latin parol Fel, q̄ est ē An word Fel, which is in En-  
gloys Gall, en Francoys glish Gal, in French Fiel:  
Fiel: ou del auintient pa- oz of the auintient English  
rol Anglois Fel, ou Fierce, word, fell, oz fierce, oz be-  
ou pur ceo que sont entēde cause that they are inten-  
deste faits felleo animo, ded to be done with a cru-  
with Bitter, Fell, Fierce, ou ell, bitter, fel, fierce, oz mis-  
mischieuous mind. Et chieuous mind. And some  
ascun de ceux sont, quant of them are, when a man  
home sauns ascun co- without any colour of law  
lout de ley, emblea les stealeth the goods of an  
byens dun autre amoun- other amounting to þ̄ va-  
taunt al value de xij. d. lue of xii. pence, oz more,  
ou plus, ceo est Larcenie; that is Larcenie: But if  
Mes si vn approcha a le any approacheth the per-  
person dun autre le hault son of another in the high  
way

sway, and robbeth him of his goods, although it bee to the value but of one penny, it is Felony, & that is called robbery, and therefore he shall be hanged.

231 Fieri facias.

Fieri facias, is a writ judicial, and it lieth where a man recouereth debt or damages in the Kinges Court, then he shall haue this writ to the shirife commanding him that he leuie the debt and damages of the goods of him against whom the recovery is had, and it lieth alwaies within a yere & a day, & after the yere he must sue a Scire facias, & if he be warned, & doth not come at the day &c. or if he come, & can say nothing, then he which recouereth shall haue a writ of Fieri facias directed to the shirife, that hee make him haue executiō of iudgmet.

But if a man recouer against a woman, & she take a husband within the yere & the day, then he that shall recouer must haue a Scire facias against the husband.

So it is if an Abbot or Prior recouer & dyeth, his

chimin, & luy robba de ses biens, mesque ils ne sont forsique al value de vn denier, il est Felonie, & ceo est appel Robberie, & pur ceo il serra pendue.

Fieri facias.

Fieri facias, est vn briefe iudiciall, & gist lou home recouera dette ou damages en Court le Roy, donques il auera cest briefe al Vicont, luy commandant que il leuie le dette & les damages des biens celuy vers que le recouerie est eue, & gist toutes fois deins lan & iour, & apres lan luy couient de luer vn Scire facias, & sil soit garnie, & ne vient al iour &c. ou sil vient, & ne scauoit rien dire, donques celuy que recouera auera briefe de Fieri facias direct al Vicont, que il face luy auer execution de iudgement.

Mes si home recouera vers vn feme, & el prist baron deins lan & le iour, donqs il couient que cely que recouera auera Scire facias vers le baron.

Auxy est si Abbot ou Prior recouer & deue, son

luc-

The Exposition of

successor deins lan avera  
Scire facias. Vide de ceo  
plus en le title Scire facias,  
& title Execution.

232

Fine.

Flac, ascun foits est prise  
pur vn somme dargent  
quel ascun est de payer al  
Roy pur ascun cōtempt ou  
offence commit per luy: q̄i  
fine, chescun que commit  
ascun trespas, ou q̄ est con-  
uict, que il fausement denie  
son fait, ou fesoit ascun  
chose en contēpt del ley,  
payera al Roy, quel est ap-  
pell' Fine al Roy. Ascun  
foits Fine est prise pur vn  
final concorde, quel est ew  
enter ascuns persons tou-  
chant ascun terre, ou rent,  
ou auter chose, dont ascun  
suit, ou brieve est enter eux  
pendant en ascun court,  
q̄l poit este en diuers ma-  
ners. Lun est quant lun  
partie reconust ceo este le  
droit del auter, come ceo  
que il eit del done cestuy  
que fesoit le reconusans,  
quel tous foites suppose  
vn seoffement precedent,  
& est dit Fine execute: ou  
si il reconust ceo destre le  
droit del auter, ommittant  
les parols ( come ceo que

successor within the peare  
shall haue a Scire facias.  
See therof moze in þ title  
Scire fac & title Execution.

Fine.

FIne, somtines is takē for  
a summe of mony which  
one is to pay to the King  
for any contēpt or offence  
done by him: which fine  
euery one that committeth  
any trespas, or he þ is con-  
uicted, þ he falsely denieth  
his owne deede, or did any  
thing in contempt of law,  
shal pay to the king: which  
is called fine to the King.  
Somtime a fine is taken  
for a final agreēmēt which  
is had between any persons  
cōcerning any land or rēt,  
or other thing wherof any  
suit or writ is between thē  
hāgīg in any court, which  
may be diuers waies. One  
is whē one party rekno-  
wedgeth, þ to be the right of  
the other, as that þ he hath  
of þ gift of him that made  
the recognisans, which al-  
wayes supposeth a seoffe-  
mēt going before, & is cal-  
led a fine executed: or if he  
acknowledgeth þ to be the  
right of an other, omitting  
these words ( cōc ceo que  
il

il eit de son done) which being a fine by acknowledgment of right only, if it be leuied to him which hath the freehold of the land is a fine upon a release. And if he that acknowledged it, is seised, and he to whom it is leuied hath not the freehold of the land, then it is called a fine executory, which he to whom the land is acknowledged may execute by Entree, or Scire fac.

And sometime such a fine sur conusans d' droit only is to make a surrender: Wherein is rehearsed that the reconusor hath an estate for life, & the other a reuerſion.

And sometime it is taken to passe a reuerſion, where a particular estate is recited to be in another, & that the reconusor will that the other shall haue the reuerſion, or that the land shall remaine to another, after the particular estate spent.

And sometime he to whom the right is acknowledged, as that he hath of the gift of the reconusor, shall receive the land, or a rent out thereof to the reconusor. And that sometime for the whole

il eit de son done) quel estant fine sur conusans de droit tantum, si soit leuie a cestuy que eit le frankement del terre est Fine sur release. Et si cestuy que ceo conust est seise, & celui a que est leuie neit le frankement del terre, donques est dit fine executorie, quel cestuy a que le terre est conus poit executer per Entree, ou Scire facias.

Et ascun foits tiel fine sur conusans de droit tantum est pur faire vn surrender: lou en ceo est repeat, que le reconusor eit estate pur vie, & l'auter en reuerſion.

Et ascun foits ceo est ew de passer vn reuerſion, lou particulier estate est recite desle en auter, & que le reconusor voit que le auter auera le reuerſion, ou que le terre remaine al auter apres le particulier estate finie.

Et ascun foits celui a que le droit est conus, come ceo que il ad del done le reconusor, rendra le terre, ou vn rent hors de ceo al conusor. Et ceo ascun foits pur l'auter

fac.

### The Exposition of

fee. Ascun foits pur vn  
particuler estate, one re-  
mainder ou remainders  
ouster. Et ascun foits oue  
reseruatiou del rents oue  
distresse & graunt de ceo  
ouster per mesme fine.

Et est appel Fine, quia per  
ceo le suit est determine,  
& si ceo soit recorde oue  
proclamation solonque le  
statute 4. H. 7. ceo barre  
estrangers.

Some time for one  
particuler estate, with re-  
mainder or remainders  
ouer: And sometime with  
reseruatiou of rents with  
distresse & graunt thereof  
ouer by the said fine.

And it is called a Fine,  
because thereby the suit is  
ended, and if it be recorde  
with proclamation accor-  
ding to the statute 4. H. 7.  
it barreth strangers.

#### 232 Firebote.

Firebote, est necessarie  
boys pur arder, quel  
per le common ley, lessee  
pur ans, ou pur vie, poit  
prendre en son terre, ni-  
ent obstant il ne soit ex-  
presse en son lease: & ni-  
ent obstant il soit vn leas  
per parol tantum sans fait:  
Mes sil prist plus que be-  
soigne, il serra punie en  
wast.

#### Firebote.

Firebote, is necessarie  
wood to burne, which by  
the common Law, lessee  
for yeares, or for life, may  
take in his ground, al-  
though it be not expresse  
in his lease: and although  
it be a leas by word onely  
without writing: But if  
he take more then is need-  
full, hee shall be punished  
in wast.

#### 234 Fledwite.

Fledwite, hoc est quietū  
esse de amerciamētis,  
cum quis vilagatus fugi-  
turus veniat ad pacem do-  
mini Regis sponte, vel li-  
cenciatus.

#### Fledwite.

Fledwite, that is to be  
quit from amercemētis,  
when an outlawed fugi-  
tue cometh to the kings  
peace of his owne will, or  
being licenced.

235 Flemeswite.

Flemeswite, that is, that you may haue the cattel, or amerciaments of your man or fugitiue.

236 Fletwit.

Fletwit or (Fletwit) that is to bee quit from contention and conuicts, and that you may haue plee thereof in your court, and the amerciament, for (Flet) in English, is Tenson in French.

237 Forrest.

Forrest, is a place prauiledged by a roial authority, or by prescription, for the peaceable abiding and nourishment of the beastes or birds of the forrest, for disport of the king: For which there haue bene in auntient tyme certaine peculier officers, lawes, & orders, part of which appeare in the great Charter of the Forrest.

238 Foriudger.

Foriudger, is a iudgemēt giuen in a writ of Mesne brought by a tenaunt against the mesne Lord, which should acquite the tenaunt of seruices de-

Flemeswite.

Flemeswite, hoc est, quod habeatis catalla, siue amerciamenta hominis vestri fugitiui.

Fletwit.

Fletwit) ou (Fletwit) hoc est quietum esse de contentione & conuictis, & quod habeatis placitum inde in Curia uestra, & amerciamentū, quia (Flet) Anglice, & Tensone Gallice.

Forrest.

Forrest, est vn lieu prauiledge per authority roial, ou per prescription, pour le peaceable abode & nourishment del beaists ou oyseaus del forrest, pour le disport del Roy: Pour queux ont estre en auntient tēps certaine peculier officers, leyes, & orders, part de queux apearon en le graund Charter de le Forrest.

Foriudger.

Foriudger, est vn iudgement done en vn brief de Mesne port per vn tenant enuers le Mesne Seigneur, que doyt acquiter le tenaunt des seruices demandes

## The Exposition of

mandes per le Seignour paramount de que le tene-  
ment est tenu, & le mesme  
ne voille appare, donques  
iudgement sera done que  
le mesme Seignour per-  
dra son Seignorie, & que  
le tenant dillonques tien-  
dra del Seignour para-  
mount per tielx seruices  
come le mesme tenoit de-  
uant, & serroit discharge  
del seruices queux il ren-  
doit al mesme per le statute  
de Westminster 2. cap. 9.  
& ceo est appelle vn for-  
iudger.

Et auxy si vn Attorney  
ou autre Officer en alcun  
Court soit oulste & prohi-  
bite de vser ceo, il est dit  
destre foriudge le court.

229 Formedone.

Formedone, est vn briefe  
& gist leu tenant en le  
taile infessoia vn estrange,  
ou est disleite, & deuie, le  
heire auera bre de Forme-  
done par recouer le terre.  
Mes sont troies briefes de  
Formedones, Vn est en  
le discenter, & ceo est en  
le case auantdir. Auxy si  
vn done terre en le taile,  
& pur default de issue le

maunded by the Lord a-  
boue of whome the tene-  
ment is holden, & the mes-  
me will not appare, then  
iudgement shall bee ginen  
that the mesme Lord shall  
lose his seignorie, & that  
the tenant fro thenceforth  
shall holde of the Lord a-  
boue by such suites as the  
mesme helde before, and  
shall bee discharged of the  
seruices which hee peided  
to the mesme by the statute  
of West. 2. c. 9. and that is  
called a foriudger.

And also if an attorney  
or other Officer in any  
Court be put out and for-  
bidden to vse the same, hee  
is said to be foriudged the  
Court.

Formedon.

Formedon, is a Writ,  
and lyeth where tenant  
in the taile infroffeth an e-  
stranger, or is disseised, &  
dyeth, the heire shall haue  
a writ of Formedon to re-  
couer the land. But there  
be thre maner of Forme-  
dons. One is in the dis-  
center, and that is in the  
case before said. Also if  
one giue lands in the taile  
and for default of issue the

re-

remainder to an other in the taile, and that for default of such issue the land shall reuert to the donour, if the first tenant in taile die without issue, he in the remainder shall haue a Formedon in the remainder: Et if the tenant in the taile die without issue, and hee in the remainder also die without issue, then the donour or his heires shall haue a Formedon in the reuerter.

remainder a vn auter en le taile, & que pur default de tiel issue la terre reuerrera al donour, si le premier tenant en le taile deue sans issue, cestuy en le remainder auera vn brieve de Formedone en le remainder: Mes si le tenant en le taile deue sans issue, & cestuy en le remainder auxy deue sans issue, donques le donour ou ses heires auera vn Formedone en le reuerter.

240 Forfall.

Forfall, that is to bee quite of amerciements and cattels arrested within your land, and the amerciements therof coming.

Forfall.

Forfall, hoc est quietum esse de amerciamentis & cattallis arrestatis intra terram vestram, & amerciamenta inde prouenientia.

241 Foretaller.

Foretaller, is hee þ buyeth cozne, cattel, or other marchādize whatsoeuer is saleable, by the way as it cometh to markets, faires, or such like places to be solde, to the intent that he may sell the same againe at a moze high and beere price, in preiudice and hurt of the com-

Foretaller.

Foretaller est celuy que achate blees, auers, ou auter marchandise quecunq; est vendible, per le chemin quant il vient al markets, faires, ou tiels semble lieux desle vende, al entent que il poit vender ceo auter foires al vn plus hault & chare price, enpreiudice & damage de le com-



The exposition of

mon weale & people &c.

Le penaltie pur ceux queux sont conuict de ceo, est le primer temps imprisonment pur deux mois, & perde de le value del chose vende.

Le second temps, imprisonment per le space de demy an, & perdra le double value des byens &c.

Le iij. temps, imprisonment durant le pleasure le Roy, & iudgement del pillorie, & forfeitera toutes ses biens & chattels. Vide le Statute 5. Edward. 6. cap. 14.

mon wealth & people &c.

The paine for such as are conuict thereof, is for the first time imprisonment for two months, and losse of the value of the thing sold.

The second time, imprisonment by the space of halfe a yere, and shall lose the double value of the goods &c.

The third time imprisonment during the Kinges pleasure, and iudgement of the pillorie, and shall forfeit all his goods and cattels. See the statute 5. Ed. 6. cap. 14.

242

Fourcher.

**F**ourcher est vn devise usee delayer le plaintife ou demandant en vn suit enuers deux, queux a ceo ne sont de responder tant que ils ambideux appare, & le apparance ou essoine dun de eux voyle excuser le defaute del auter a cel iour, & eux agreea quelun deux solement serra essoine ou apperera al vn iour, & pur fault del apparance del auter auoit iour oultre de appearer, & le

Fourcher.

**F**ourcher, is a devise used to delay the plaintife or demandant in a suite against two, which thereto are not to answer till they both appare, and the apparance or essoine of one will excuse the others default at that day, and they agree that the one shall be essoined or appare one day, and for lacke of the appareance of the other, haue daie ouer to appare, and the other

other partie shall haue the same day, and at that day the other will appeare, or be essoined, and he that appeared or was essoined before, wil not then appeare, because hee hopeth to haue an other day by h<sup>e</sup> adiozement of the partie which then appeared, this is called *Fourcher*, and in some cases the mischiese thereby is remedied by the statute of Gloucester cap. 10. and West. 1. ca. 42. which bee in the collectiō of statutes in h<sup>e</sup> title *Essoine* 4. & 7.

auter party auera mesme le iour, & a ceo iour laue voile appearer ou estre essoine, & cestuy q<sup>i</sup> deuant appieroir, ou suit essoine ne voile donques apper, pur ceo que il esperoit dau<sup>t</sup> auter iour per le adiournement del partie que donques appiert ou est essoine, ceo est appel *Fourcher*, & en aucuns cases le mischiese per ceo est remedie per lestat. de Gloucester cap. 10. & West. 1. ca. 42. que sont en le collection des statutes en le title *Essoine* 4. & 7.

243 *Franches Royal.*  
FRanches royal, is where the King grants to one & his heires, that they shall be quit of toll, or such like.

*Franches Royal.*  
FRanches Royal, est lon le Roy graunt al vn & a ses h<sup>e</sup>res, q<sup>i</sup> ils serront quite de tolner, vel huiusmodi.

244 *Free almes.*  
FREE almes, is where in auncient times landes were giuen to an Abbot and his Conent, or to a Deane and his Chapter, and to their successors, in pure and perpetual almes, without expreſſing any service certaine, this is *Frankalmoigne*, and such are bound before God

*Frankalmoigne.*  
FRankalmoigne, est lon en auncient temps terres fueront dones a vn Abbot & son Couent, ou a vn Deane & le Chapter, & a leur successors, en pure & perpetuall almoigne, & perpetuall almoigne, sans expreſſer aucun service certaine, ceo est *Frankalmoigne*, & ils sont tenus deuaunt Dieu

O. ij.

ds

## The Exposition of

de faire Oraisons & priers  
pur le donour & ses heires,  
& pur ceo ils ne ferront fe-  
altie, & si tiels que ont ter-  
res en frankalmoigne ne  
font ascun prayers ne di-  
uine seruice pur les almes  
le donour, ils ne ferront  
per les donours a ceo  
compelles, mes pur ceo  
ils poyent complaine al  
Ordinarie, luy prayant  
que tiel negligence ne soit  
pluis auant, & le Ord-  
inarie de droyt ceo doit  
faire.

Mes si vn Abbe &c. ti-  
ent terres de son Seigni-  
our pur certain diuine ser-  
uice destre fait, come de  
chaunter chescun vender-  
die vn Masse, ou de faire  
autre chose certeine, si tiel  
diuine seruice ne soit fait,  
le Seignior poit distraine,  
& en tiel case Labbe doit  
faire a le Snior fealtie, &  
pur ceo il nest pas dit te-  
nure en frankalmoign, mes  
tenure per diuine seruice,  
car nul poit tener en frank-  
almoigne, si soit expresse  
ascun certaine seruice.

245 Franke fee.

**T**ener en Franke fee,  
est a tener en fee sim.

to make Oracions & pray-  
ers for the donour and his  
heires, & for that they doe  
no fealtie, and if such that  
haue landes in Frankal-  
moigne do make no prayer  
nor diuine Seruice for the  
soules of the donours, they  
shall not be compelled by  
the donoors to do it, but for  
that they may complaine  
to the Ordinary, praying  
him that such negligence  
be no moze after, and the  
Ordinary of right ought  
to do it.

But if an Abbot &c. hol-  
deth lands of his Lord for  
certaine diuine seruice to  
be done, as to sing euery  
Friday a Masse, or doe  
some other thing, if such  
diuine seruice be not done,  
the Lord may distraine, &  
in such a case the Abbot  
ought to doe fealtie to the  
Lord, and therefore it is  
not said tenure in frankal-  
moigne, but tenure by di-  
uine seruice, for none can  
hold by frankalmoigne, if  
any certaine seruice bee ex-  
pressed.

Franke fee.

**T**o hold in Franke fee,  
is to holde in fee sim-  
ple

ple lands pleadable at the common law, & not in auncient demesne. ple terres pleadable a la common ley, & nient en auncient demesne.

246 Free marriage.

Free marriage, is when a man seised of landes in fee simple, giueth it to an other man, & to his wife, (who is the daughter, sister, or otherwise of kinne to the donoz) in free marriage, by vertue of which words they haue an estate in speciall taile, and shall hold the land of the donoz quit of all maner of seruices, untill the 4. degree be past, accounting theselues in the first degree, except fealtie, which they shal do, because it is incident to all tenures, sauing free alms. And such gift may be made aswel after marriage solēnized as before. And a mā may giue lands to his son in free marriage, as well as to his daughter, by the opinion of Master Fitzherbert, in his writ of Champertie H.

But it appeareth otherwise in Master Littleton, and in Master Brooke titulo Frankmarriage pla. 10.

Frankmarriage.

Frankmarriage, est quant vn home seisie de terres en fee simple, done ceo al auter home, & a sa feme, (q̄ est file, soer, ou autrement de kin al donoz) en frankmarriage, per vertue de queux parolx ils ont vn estate en speciall taile, & tiendra le terre del donour quite de tous manner des seruices, tanque le quart degree soit passe, accoutant eux melmes en le premier degree, sinon fealtie, queux ils fieront, pur ceo que est incident a tous tenures, lorsque frankalmoigne. Et tiel done poit estre fait cibien apres mariage solemnize, come deuant. Et home poit done terres a son firz en frankmarriage, cibien come a sa file, per le opinion de Master Fitzherb. en son bñe de Champertie H.

Mes il appiirt auterment en Master Littleton, & en Master Brooke titulo Frankmarriage pla. 10.

O. iij.

Et

# The Exposition of

Et issint il fait tenus cleere  
en Grayes Inne en Lent,  
Anñ 1576. 18. Eliz. per le  
worshipfull M. Rhodes don-  
ques Leitorla.

247 Franktenement.

**F**Ranktenement, est vn  
estate que home ad en  
terres ou tenements, ou  
profit a prender en fee sim-  
ple, taile, pur terme de son  
vie demesne, ou pur terme  
d'auter vie, en dower, ou  
per le curtesy Dengleterre.  
Et south ceo il ne est frank-  
tenement, car il q̄ ad estate  
pur ans, ou tient a volunt,  
nad ascun franktenement,  
mes ils sont appellees chat-  
tels.

Et de franktenement il y  
ad deux sorts, cestascavoir,  
Franktenement en fait, &  
Franktenement en ley.

Franktenement en fait, est  
quant vn home ad entre  
en terres ou tenements, &  
est seisie de ceo realment,  
actualment, & en fait. Sicome  
le pere seisie de terres ou  
tenements en fee simple de-  
vuit, & son fitz enter en eux  
come hñe a son pere, don-  
ques il ad vn franktenement  
en fait per son entrie.

Franktenement en ley, est

And so it was holdē clere  
in Grayes Inne in Lent,  
Anno 1576. 18. Eliz. by  
the worshipfull M. Rhodes  
then Reader there.

Freehold.

**F**reehold, is an Estate  
that a man hath in lāds  
or tenements, or profit to  
be taken in fee simple, taile,  
for terme of his owne life,  
or for terme of an others  
life, in dower, or by the  
curtesie of England. And  
vnder that there is no free-  
hold, for he that hath estate  
for yeares, or holdeth at  
will, hath no freehold,  
but they are called chat-  
tels.

And of freeholds there  
are two sorts, that is to  
say, freehold in deed, and  
freehold in law.

Freehold in deed, is  
when a man hath entred  
into lands or tenements, &  
is seised thereof really, ac-  
tually, & in deed: As if the  
father seised of lands or te-  
nements in fee simple by-  
eth, & his son entred into  
the same as heire to his  
father, then he hath a free-  
hold in deed by his entrie.

Freehold in Law, is  
when

When lands or tenements quant terres ou tenemens  
are descended to a man, & sont descendus al vn home,  
hee may enter into them & il poit enf en eux quant  
when he will, but hath not a luy pleist, mes nad vnco-  
yet made his entry indeed, re fait son entry en fait,  
as in the case aforesaid, if come en le case auant dit,  
the father being seised of si le pere esteant seise de  
lands in fee simple die sei- terre en fee simple deuie  
sed, & they descend to his seise, & ils descend a son  
sonne, but the sonne hath firs, mes le firs nad vncore  
not yet entred into them enter en fait en eux, ore  
indeed, now before his en- deuant son entrie il ad vn  
trie hee hath a freehold in franktenement en ley.

law.

248

Freshsuit.

Freshsuit.

Freshsuit, is when a man  
is robbed, and the party  
so robbed, followeth & se-  
lon immediately, & taketh  
him with the manner, or  
otherwise, and then bring-  
geth an appeale against  
him, & doth conuince him  
of the felonie by verdict,  
which thing bring inquir-  
red of for the King and  
found, the partie robbed  
shall haue restitution of  
his goods againe.

Freshsuit, est quant vn  
home est robbe, & le  
party issint robbe, pursua  
le felon immediatement,  
& luy prist oue le manner,  
ou autrement, & donques  
port vn appeal enuers luy,  
& luy conuince del felony  
per verdict, le quel chose  
esteant enquire pur le  
Roy & trouue, le partie  
robbe auera restitution de  
ses biens arere.

Also it may be said, that  
the party made freshsuit,  
although hee take not the  
theefe presently, but that  
it bee halfe a yeare, or a  
yeere after the robbery  
done, before hee be taken,

Item il poit esse dit, que  
le partie fait Freshsuite,  
nient obstant q il ne prist  
le felon presentment, mes  
que il soit demy an ou vn  
an apres le robbery fait  
deuant que il soit prise,

Q. iiii.

fi

### The Exposition of

<p>si soit issint que le partie robbe fait tant que en luy est, p diligent enquirie &amp; serch de luy prender, nient obstant q il est prise per vn auter home, vncore ceo ferra dit bone freshsuit,</p>	<p>if so bee that the partie robbed doe what lyeth in him, by diligent inquirie &amp; search to take him, pea al- though he be takē by some other body, yet this shalbe said fresh suit.</p>
--	--

<p>Et issint freshsuit est quant le Seignieur vient pur distreiner pur rent ou seruice, &amp; le owner des beastes fait rescous, &amp; en- chase eux en auters terre que nest tenus del Seigni- our, &amp; le Seignieur ensue presentment, &amp; reprist eux, cest appel freshsuit. Et is- sint en auter semblables cases,</p>	<p>And so fresh suit is whē the Lord commeth to dis- straine for rent or seruice, &amp; the owner of the beasts doth make rescous, and drineth thē into anothers ground that is not holden of the Lord, and the Lord followeth presently &amp; tak- eth them, this is called fresh suit. And so in other like cases,</p>
--	--

G

249 Gager de deliuerāce.

**G**ager de deliuerance,  
est lou va sua Reple-  
uin de biens prise, mes il  
nad deliuerie des biens, &  
l'auter auowa, & le plain-  
tife monstra que le defen-  
daunt est vncore possesse  
des biens &c. & pria  
que le defendant gagera  
deliuerance, donques il  
mittera eins suertie ou  
pledge pur le redeliue-

G.

Gager de deliuerance,

**G**ager de deliuerance, is  
where one sueth a re-  
pleuin of goods taken,  
but he hath not the deliue-  
rie of the goods, and the  
other auoweth, and the  
plaintife sheweth that the  
defendant is yet possessed  
of the goods &c. and pray-  
eth that the defendant  
may gage the deliuerance,  
then he shall put in suertie  
or pledges for the deliue-  
rance

rance, & a writt shal go forth to the Shirife for to redeliver the goods &c. But if a man claime property, hee shall not gage deliuerance.

And if he say that the beasts be dead in þ pound, he shall not gage &c.

Also a man shall neuer gage the deliuerance before that they be at issue, or demurrer in the law, as it is said.

rance, & vn briefe isserra al Vicont pur redeliverer les biens &c. Mes si home claime propertie, il ne gagera deliuerance.

Auxy si dit que les auers sont morts en le pound, il ne gagera &c.

Auxy home ne gagera iammes le deliuerance auant que ils soyent a issue, ou demurrer en ley, vt dicitur,

250 Garrantie of charters.

Garrantie of charters, is a writt, & it lyeth where any deed is made that comprehendeth a clause of warrant, that is to say, Dedi or Concessi, or this word Warrantizabo, and if the tenant be impleaded by a stranger, if it be in Assise or such action where hee may not vouch to warrantie, then he shall haue this writt against his feoffor or his heire, & if the land be recovered against him, he shal recover as much land in value against him that made the warrantie. But this writt ought to be sued hanging the first writt

Garrantie des charters.

Garrantie des charters, est vn briefe, & gist lou aucun fait est fait que comprende clause de garrantie, cestascavoir, Dedi, ou Concessi, ou cest parol Warrantizabo, & si le tenant soit emplede par vn estrange, si soit en Assise, ou tiel action lou il ne poit vouch a garrantie, donques il auera cest briefe vers son feoffor, ou son heire, & si le terre soit recouer vers luy, il recouera taunt del terre en value vers celly que fist le garrantie. Mes cest briefe couient estre sue pendant le primer briefe vers



# The Exposition of

vers luy, ou autrement il against him, or else hee  
ad parde son aduantage. hath lost his aduantage.

Auxy sur garrantie en ley, come sur homage an- Also vpon a warrantie  
cestrel, ou sur rent reserue in þe law, as vpon homage  
sur lease a terme de vie, auncestrel, or vpon rent  
ou done en le taile home reserved vpon a lease for  
auera briete de garrantie term of life, or a gift in the  
de Charters, mes nemy sur taile, a man shall haue a  
echange. writ of warrantie of Char-  
ters, but not vpon echange.

351 Garrantie.

Garrantie.

Garrantie, est en trois manners, s. garrantie lineal, & garrantie colla- teral, & que comence per disseisin.

Garrantie lineal est lou home seised en fee, ou en taile, fait seoffement per son fait a vn autre, & ob- lige luy & ses heires a garranty, & ad issue firs & morust, & le garrantie discende a son firs, ceo est lineal garrantie, pur ceo que si nul fait oue gar- rantie vst este fait, don- ques le droit des ter- res discenderoit al firs come heire a son pere, & il conueyroit le dis- cent de le pere a le firs. Mes si tenant en le taile discontinua le taile, & ad

Garrantie, is in thre manners, that is to say, garrantie lineal, & garrantie collateral, and which beginneth by disseisin.

Garrantie lineal is where a man seised in fee, or in taile, maketh a seffment by his deed to another, & bin- deth him & his heires to warraty, & hath issue, a son & dyeth, & þe warrantie dis- cēdeth to his sonne, that is lineal warrantie, for that if no need with warrantie had beene made, then the right of the lands should haue discēded to the sonne as heire to his father, & he shal conuey the discēt from the father to the son. But if the tenāt in the taile dis- continue the taile, & hath  
issue

issue and. dyeth, and the vncle of the issue releaseth to the discontinuē wyth warrantie &c. and dyeth without issue, this is a collaterall warrantie to the issue in the tayle, for that that the warrantie descendeth vpon the issue, the which may not conuey him to the tayle by meane of his vncle. And in euery case where a man demandeth landes in fee tayle by writ of Formedone, if any of the issues in the tayle which hath possession, or which hath not possession, maketh a warrantie, and he that sueth the writ of Formedone may by possibilitie by matter that may be done, might conuey to him title by force of the gift by him that made the warrantie &c. that is then a lineall warrantie, and by such a lineall warrantie, the issue in the tayle shall not be barred, except that he haue assents to him descended: But if he may not by no possibilitie that may be conuey to him title by force of the gift by him that made the warrantie,

issue & denie, & le vncle del issue releas al discontinuē oue garrantie &c. & morust sauus issue, ceo est collaterall garrantie al issue en le tayle, pur ceo que le garrantie descend sur le issue, le quel ne poyt soy conueyer a le taile per le meane de son vncle. Et en chescun case lou home demanda terres en fee tayle per brieve de Formedone, si ascun auncestour del issue en le tayle que auoit possession, ou que nauoit possession fait vn garrantie, & celsy que sua le brieve de Formedone poit per possibilitie per matter que puiroit estre fait, puiroit conueyer a luy title per force del done per celuy que fist le garrantie &c. ceo est donques vn lineal garrantie, & per tiel lineal garrantie, le issue en le tayle ne serra barre, sinon que il ad assents a luy descendus en fee simple: Mes si il ne poyt per nul possibilitie que poit estre conueye a luy title per force del done per celuy que fist le garrantie, don-

# The Exposition of

donques ceo est vn colla- then that is a collateral  
 teral garrantie, & per tiel warrantie, and by such a  
 collateral garrantie le is- collateral warrantie the  
 sue en le taile serra barre issue in the tail shalbe bar-  
 sauns aucun affects. Et le red without any affects.  
 cause que tiel collateral And the cause that such a  
 garrantie est vn barre al collateral warrantie is a  
 issue en le taile, est pur barre to the issue in the tail,  
 ceo que tous garranties is for that, that all warra-  
 deuant lestatute de Glou- ties befor the Statute of  
 cester, queux descendant Gloucester, which descen-  
 ceux queux sont heires a ded to the which be heires  
 eux que fesoient les gar- to them that made the war-  
 ranties fueront barres a ranties were barres to the  
 mesme les heires a de- same heires to demand  
 mander aucun terres, fors any lands, except the war-  
 prise les Garranties que ranties that began by dis-  
 commence per disseisin, seisin, and for that, that the  
 & pur ceo que le dit sta- said statute hath ordeined  
 tute ad ordeine que le gar- that the warrantie of the  
 rantie del pere ne serra father shall be no barre to  
 barre a son fitz pur les his sonne for the landes  
 terres que veigne del he- which come of the heritage  
 ritage le mere, ne le gar- of the mother, nor the war-  
 rantie de le mere ne serra rantie of the mother shalbe  
 barre al fitz pur les terres no barre to the sonne for  
 que veigne del heritage the landes which come of  
 del pere, per le statute the heritage of the father,  
 de 11. Hen. 7. cap. 20. by the stat. 11. H. 7. cap. 20.  
 & nul de les statutes ad and none of the statutes  
 fait ne ordeins remedie hath made nor ordained  
 encounter le Garrantie reinedie against the war-  
 que est collateral al is- rantie that is collateral to  
 sue en le tayle, & pur the issue in the taile, & ther-  
 ceo le garrantie que est fore the warrantie that is  
 collateral al issue en le collateral to the issue in the  
 taile,

taile, is yet in his force, & shall be a barre to the issue in the taile, as it was before the statute. Also it becometh that all warranties whereby any heire shall be barred, that the warrantie descend by the course of the common law, to him which is heire to him that made the warranty, or els it shall be no barre, for if the tenant in the taile, of lands in Borough English, where the youngest sonne shall inherit by the custome discontinued the taile, and hath issue ii. sonnes, & the uncle releaseth to the discontinued with warrantie and dyeth, and the younger sonne bringeth a Formedone, yet he shall not be barred by such warrantie, causa qua supra. Also if any man make any deed with warrantie, whereby his heire should be barred, and after he that made the warrantie be attaint of felonye, then his heire shall not be barred by such warrantie, for that that such warrantie might not descend vpon him, for that that the blood is corrupt.

taile, vncore est en sa force, & serra barre al issue en le taile, come il fuit deuant le statute. Auxy il couient que tous garranties, per que aucun heire serra barre, que le garrantie descend per course del common ley, a celuy que est heire a luy que fist le garrantie, ou autrement il ne serra barre, car si le teneant en le taile des terres en Borough English, lou le puisne fites enheritera per la custome discontinua le le taile, & ad issue deux fites, & le vncle releffa al discontinuee oue garrantie & denie, & le puisne fites port Formedone, vncore il ne serra barre per tiel garrantie, causa qua supra. Auxy si aucun home fait aucun fait oue garrantie, per quel son heyre serroit barre, & puis cestuy que fist le garrantie soit attaint de Felonie, donques son heire ne serra barre per tiel garrantie, pur ceo que tiel garrantie ne puyt descendre sur luy, pur ceo que le sanke est corrupt.

Gar-

## The Exposition of

**Garrantie** commenceant per disseisin, est si le firs purchase terre, & puis lessa le terre a son pere pur terme dans, & le pere per son fait de ceo enseoffa vn estrange, & oblige luy & ses heires a garrantie, & le pere deuie, per quel le garrantie discende al firs, vncore cest garrantie ne barrera my le firs, mes le firs bien poit enter nient obstant cel garrantie, pur ceo q̄ cest garrantie com- menlast per disseisin, quant le pere fist le feoffement, que fait vn disseisin al firs: Et come est dit de pere, issint poit este dit de chet- cun auter auncellour. Et mesme le ley est si launce- lour soit tenant per Elegit, ou per Statute marchant, & fait ascun feoffement oue garrantie, tielx garranties ne serront barres, pur ceo que ils commenceont per disseisin.

**Garrantie** beginning by disseisin, is if the sonne purchase lands, & after let the lands to his father for terme of yeres, & the father by his dede infeofeth a stranger, & bindeth him & his heires to warrantie, & the father dyeth, wherby the warrantie descendeth to the sonne, yet this war- rantie shall not barre the son, but the son may well enter notwithstanding his warrantie, for that that this warrantie began by disseisin, when the father made the feoffement, which was a disseisin to the son. And as it is said of the fa- ther, so it may be said of euery other ancestoz. And the same law is, if the aun- cestoz be tenant by Elegit, or by Statute marchant, & make a feoffement with warrantie, such warranties shall be no barres, because they begin by disseisin.

### 252 Garrantie.

**Garrantie**, est quant vn est lie al auter que ad terre, de garrant le terre a luy, le quel poit com- mence per deux meanes,

### Garrantie.

**Garrantie**, is when one is bound to an other which hath land, to war- rant the lād to him, which may begin two wayes, s. by

g. by deede of law: As if one & his auncestors hath held land of an other and his auncestors time out of mind by homage, which is called Homage auncestrel: Or by deeds of the party which graunteth by deede or fine to the tenant of the land to warrant it to him: vpon which warrant, if the tenant be impleaded by him which ought to warrant, or his heires, the tenant shall barre the demandant by pleading of the warrantie against him, which is called Rebutter: Or if he be impleaded by an other in an action, wherein he may vouch, he shall vouch him which warranted, or his heires, and if the plaintife recouer, the tenant shall recouer in value against the vouchee.

253

Gard.

**W**ard, is when an infant whose auncestors held by knights service, is in the ward or keeping of the Lord of whom those landes were holden. And if the tenant holde of dyuers Lords diuers

cessafe. pact del ley: Come si vn & ses auncestors ont tenu terre del auter, & ses auncestors per temps dont memorie ne court per homage, que est appelle Homage auncestrel: Ou per laet del partie que graunta per fait ou fine al tenant del terre de Garrant ceo a lay: sur quel garrantie si le tenant soit implede per luy que doit garrant, ou ses heires, le tenant barra le demandant per pleader del garrantie vers luy, que est appelle Rebutter: Ou si soit implede per auter en action, en que il poit vouch, il vouchera cestuy que garrant, ou ses heires; Et si le plaintife recouer, le tenant recouera en value vers le vouchee.

Gard.

**G**ard, est quant vn enfant que auncestour tiennent per seruite de chivalerie, est en le garde & curadie de le Seignieur de que ils fuerent tenus. Et si le tenant tient de diuers Seygnieurs diuers terres

# The Exposition of

terres, celuy Seignior de lands, the Lord of whome  
que il tient per prioritie, the land is holden by pri-  
cest alcauoir, per le plus oritie, that is to say, by  
auncient tenure, auera le the moze elder tenure, shall  
garde del enfant : Mes si haue the wardship of the  
vn tenure soit auxy aun- infant : But if one tenure  
cient que le auter, don- be as olde as the other,  
ques celuy que primes then he that first happe-  
happale garde de le corps neth to haue the ward of  
gardera ceo : Mes en ceo the bodie shall keepe it:  
case chescun Seignior a- But in that case euery  
uera le garde del terre que Lord shall haue the ward  
est tenu de luy. Mes si le of the land that is holden  
tenant tient ascun terre of him. But if the tenaunt  
del Roy en chiefe, don- hold any land of the King  
ques le Roy per sa Pre- in chiefe, then he by his  
rogatiue auera le garde Prerogatiue shall haue  
del corps, & de tout le the ward of the bodie, and  
terre que est tenu de luy, of all the land that is hold-  
& de chescun auter Seig- den of him, and of euery  
nior. other Lord.

Auxy sont diuers briefes Also there bee diuers  
de Garde, vn est briefe de writs of ward, one is a  
Droit de garde, & gift lou writ of Right of warde,  
le tenant deuie, son heire and that lyeth where the  
deins age, & vn estrange tenant dyeth, his heire  
entra en le terre, & hap- within age, & a stranger  
palegard de corps de len- entred into the land, and  
fant, hapneth to haue the ward  
of the body of the infant.

Briefe de eieement de A writ of Cietment of  
garde gift lou home est ward lyeth where a man  
oust de la garde de terre is put out of the ward of  
sauns le corps de le en- the land without the body  
fant. of the infant.

Briefe de Rauishment de A writ of Rauishmēt of  
ward

Sward lyeth where the body is taken from him only, & not the land. gard gift lou le corps est prise de luy seulement, & nient le terre.

254 Wardeine.

Gardeine.

Wardeine, or Gardeine, most properly is hee that hath the Swardship or keeping of an heire, and of his lande holden by knights seruice, or of one of them to his owne vse, during the nonage of the heire, & within that time hath the bestowing of the bodie of the heire, in marriage at his pleasure, without disparagement. WArdein, ou Gardein, plus proprement est ce luy que ad le garde ou custody dun heire, & de son terre tenu per seruice de chivalerie, ou de vn de eux a son vse demesme, durant le nonage del hñe, & deins cest temps ad le bestowing del corps del hñe, en mariage al son volũt sans disparagement.

And of wardeins there be two sorts, namely gardeine in right, & gardein in deed. Et de gardeynes il y ad deux sorts, noismement, gardeine en droit, & gardeine en fait.

Gardeine in right, is hee that by reason of his seigniorie is seised of his wardship or keeping of the lãd, and of the heire during the nonage of the heire. Gardein en droit, ẽ ce luy que per reason de son sñry est seisie del gardship ou custody del terre, & del hñe, durant le nonage del heire.

Gardeine in deed, is where the Lord after his seisin, as aforesaid, graunteth by deed, or without deed, the wardship of the land, or of the heire, or of both to another, by force of which grant, the grauntee is in possession, then is the Gardeine en fait, est lou le Seignior apres son seysin, come auant dit, graunta per fait, ou sauns fait, le gardship del terre, ou del heire, ou de amideux a vn autre, per force de quel graunt, le graunttee est en possession, donques est le



### The Exposition of

grauntee appel gardein en fait.

Et cest gardeine en fayt poyt graunt le heyre al auter auxy: Mes cest au nest properment appel gardein en fait, car ceo est le grauntee del gardein en droit solement.

Mes le gardein en so- cage ad le profit solemēt al vie del hīe ielsq; il ad accō- plish le age de 14. ans, & rendr pur ceo accompt al hīe. Vide plus de ceo Lit- tleton lib. 2. cap. 4. & 5. Et Stamford sur stat. de Pra- rog. cap. 1. 2. & 6.

grauntee called gardein in dede.

And this gardein in dede may grant the heire to an other also: But that other is not properly called gar- dein in dede, for that is the grauntee of the gardein in right only.

But the gardeine in so- cage hath the profit only to the vse of the heire, untill hee accomplish the age of 14. yeres, & must payd ther- fore an account to hē heire. See moze hereof Litt. lib. 2. ca. 4. and 5. And Stamf: vpon the stat. of Pꝛeroga- tiue ca. 1. 2. & 6.

### 255 Garnishment.

Garnishment est, sicome vn action de Detinue des charters est port vers vn, & le defendaunt dir, que les charters fueront deliuer a luy per le playn- tife & per vn auter sur certain conditions, & prie que l'auter soit garnie de pleader ou le plaintife si les conditions sont per- imples ou nemy, & sur ceo vn brieve de Scire faci- as islera vers luy, & ceo est appelle Garnishment,

### Garnishment.

Garnishment is, if an ac- tion of detinue of char- ters bee brought against one, & the defendant saith, that the charters were de- liuered to him by hē plain- tife & by another vpon cer- taine conditions, & praeteth that the other may be swar- ned to plede with hē plain- tife if the conditions be p- formed or no, & thereupon a writ of Scire facias shall go forth against him, and that is called garnishment, and

and the other when hee commeth, shall plead with the plaintife, and that is called Enterpleder.

256 Gaveler.

**G**Aueler, is a special and auncient kind of Cessavit vsed in Kent where the custome of Gavelkind continueth: whereby the tenaunt shall forfeit his lands and tenements to the Lord of whom they are holden, if he withdraw from his Lord his due rents & seruices, after this maner as folloiweth.

If any tenant in Gavelkind, withhold his rent and his seruices of the tenement which hee holdeth of his Lord, let the Lord seeke by the award of his Court fraim thre weekes to thre weekes to finde some distresse vpon the tenement vntill the 4. court, alwayes with witnesses. And if within that time, he can find no distresse in that tenement, whereby he may haue iustice of his tenant, Then at the 4. Court let it be awarded, that hee shall take that tenement into his hand, in the name of a dis-

& lauter quant il vient eins pledera oue le plaintife, & ceo est appel Enterpleder.

Gauelate.

**G**Auelate, est vn especial & auncient kind de Cessavit vsed en Kent lou le Custome de Gavelkind continue, per quel le tenant forfeitera ses terres & tenements al Seignieur de que ils sont tenus, si detaine de son Seignieur ses due rents & seruices, si longue cest maner que ensuist.

Si ascun tenaunt en Gavelkind retaine sa rent, & ses seruices de letenement que il tient de son Seignieur, querge le Seignieur per agarde de sa Court, de trois semaines en trois semaines, de trouuer distresse sur cel tenement ielsque a le quart court, a tous soies per tesmoignes. Et si deins cel temps ne trouue distresse en cel tenement, per queux il puisse son tenant justifier, Donques a la quart Court soit agarde que il preigne cel tenement en sa maine, en nisme de di-

P. ij. distresse;

# The Exposition of

fressle, auxy come fuit fressle, as if it were an oxe  
 Boefe ou Vache, & le ti oz a cow, and let him keepe  
 ent vn an & vn iour en sa it a yeare and a day in his  
 maine, sans maine oue hand, without manuring  
 rer, deins quel terme, si it: within which terme if  
 le tenant vient, & rende the tenaunt come and pay  
 ses arrerages, & fait rea his arrerages, and make  
 sonable amendes de la reasonable amends for the  
 deteiner, adonc eit & inioy son tenement, sicome haue and inioy his tene-  
 ses aunceltours & luy a ment as his aunceltours  
 uant tiendront. Et sil ne and he befoze held it: and  
 vient deuant le an & le if hee do not come befoze  
 iour passe, donc auage the yeare and the day past,  
 le Seignieur al procheine then let the Lord go to the  
 Countie Court suyant cue next County Court with  
 tesmoignes de la Court, his witnesse of his owne  
 & face la pronuncier cel Court, & pronounce there  
 processe pur tesmoynage this processe to haue fur-  
 auer, & per agard de la ther witnesse, and by the  
 Court (apres ceo Coum- a ward of his Court (after  
 tie tenue) entra & mey the County court holden)  
 nouera en celz terres & he shall enter & manure in  
 tenements sicome en son those landes & tenements  
 demesne. Et si le tenant as in his owne. And if the  
 vient apres, & voyle re tenant come afterward, &  
 auer ses tenements, & shall rehaue his tenements,  
 ner sicome il fist deuant, and hold them as hee did  
 face gree al Seignieur, befoze, let him make a  
 sicome il est auncient- grément with the Lord,  
 ment dit, according as it is aunciently said.

Hath hee not since any  
 Neghe sith selde, & thing giuen, noz hath hee  
 neghe sith gelde, & v. li. not since any thing paid,  
 Then let him pay v. li.  
 for

for his were ere befoze hee  
become tenaunt oꝝ holder  
again. See hercof 10. H.  
3. Fitz. Cessavit 60. and sta-  
tute 10. E. 2. of Gauelet  
in London, in the colle-  
ation of statutes, London  
2. matter much tending to  
this purpose, that by this  
word Gauelet, the Lord  
shall haue the land for the  
ceasing of the tenant. And  
see west. 2. cap. 21. which  
giueth Cessavit.

There be some copies  
that haue the first Verse  
thus written.

Nisith yelde, and nisith  
gelde.

And others thus.

Nighefith yeld, & nighe-  
fith geld.

But these differ not in  
signification: other copies  
haue it after this sort.

Nigondfith seld, and ni-  
gondfith geld.

That is to say: Let him  
ix. times pay, and ix. times  
repay.

257 Gauekind.

Gauelkind, is a custome  
annexed & going with  
landes in Kent called  
Gauelkind landes holden  
by ancient Socage te-

for the were, er hee be-  
come heald. Vide de  
ceo 10. Hen. 3. Fitzherb.  
Cessavit 60. & statute 10.  
Ed. 2. de Gauelet en Lon-  
don, en le Collection del  
Statutes London 2. mat-  
ter tendant mult a cel pur-  
pose, que per cel parol  
Gauelet le Seignior aue-  
ra le terre pur cesser le te-  
naunt. Et vide West. 2.  
cap. 21. que done Cef-  
savit.

Il y ad ascuns copies que  
ad le primer Verse issint es-  
cript.

Nisith yelde, and nisith  
gelde.

Et auters issint.

Nighefith yeld, and  
nighefith geld.

Mes ceux ne differ en  
signification: auters copies  
ont ceo solonque cest sort.

Nigondfith seld, & ni-  
gondfith geld.

Cestascavoir, payera il  
nouies foies, & nouies  
foies repay.

Gauelkind.

Gauelkind, est vn cu-  
stome annexe & cur-  
rant oue terres en Kent ap-  
pelle Gauelkind terres te-  
nus en ancient Socage te-

# The Exposition of

nure. Et est pense per les erudite en Antiquities, deste appel Gavelkind de Gyue al kinne, cest adire a toutes les kinne en vn line, accordant come est vse enter les Germans, de que nous Anglois, & especialment de Kent venomus. Ou il est appel Gavelkind de Giue al kind, cest adire al toutes les males, car kind en Dutch signifie vn male. Et diuers autres semble coniectures sont fait per eux de le nosme (Gavelkind) le quel ie omit de purpoie pur breuitie.

Les plus vsual customes de eux sont, que le terre est diuidable enter les heires males, & que le heire al age de xv. ans poit done & vende sa terre, & serra inherite, coment son pere soit attainit & pendue pur felonie, & la feme serra endow del demy del terre, dont son baron deuie leifie, & le baron serra tenaunt per le Curtesie del demy, coment ne auoit issue per la feme: mes le estate del baron & feme cease per leur second ma-

nure. And is thought by the skilful in Antiquities, to be called Gavelkind of Giue al kin, that is to say, to all the kindred in one lyne, according as it is vsed among the Germans, from whome we Englishmen, and chiefly of Kent come. Or else it is called Gavelkind of Giue all kind, that is to say, to all the male children, for kind in Dutch signifieth a male child. And diuers other like coniectures are made by them of that name (Gavelkind) which I omit of purpose for shortnes sake.

The most vsual customes of them are, that the land is diuidable between the heires male, & that the heir at the age of xv. yeres may giue & sell his land, & shal inherite, although his father be attainited & hanged for felony, & his wife shal be widowed of half the land, whereof her husband died seized, & the husband shal be tenant by the curtesie of the halfe, although he haue no issue by his wife, but the estate of the husband & wife ceaseth by their marriage,

riage. And diuers other customs are vsed in Kent of landes in Gavelkind, for which see the Perambulation of Kent, made by M. Lambert. For which cause the residue I will omit as vnnecessary for this booke, & intreated of largely in the said Perambulation.

riage. Et diuers ausi custōs sont vses en Kent de terres en Gavelkind, pur queux veies le Perambulation de Kent, fait per M. Lambert. Pur quel cause le residue ieo voyle omit come impertinent a cellieur, & intreat amplemēt en le dit Perambulation.

258 Gelde.

Gelde, is to bee quit of seruile customes which were wont to be giuen, & are yet giuen, as hozngeld, and such like.

Gelde.

Gelde, hoc est quitū esse de consuetud' seruilib' q̄quond dare consueuerūt & adhuc dari, cōe horne-gelde & hijs similibus.

Graund Cape.

259 Graund Cape.

Graund Cape, iſſike therfore after in the title Petite Cape.

Graund Capias, vide de ceo apres title Petite Cape.

260 Graund Serieanty.

Graund Serianty, is where a man holdeth of the King certaine land by the seruice of carrying his banner or lance, or to leade his hoste, or to bee his caruer, or butler at his Coronation, and that is the most honourable seruice & most worthy that a tenant may doe, and for that it is called graund seriantie. But petit serianty is when one

Graund Serieanty.

Graund Serieanty est lou vn hōe tiēt de Roy certain terres per le seruice de porter son banū ou lance, ou amesner son hoste, ou destre son caruer ou butler a son Coronment & tiels semblables, & ceo est la plus honorable seruice & plus deigne, que le tenant poit faire, & pur ceo est apel graund Serieanty. Mes petit Serianty est quant vn

P iij,

tient

## The Exposition of

tient de Roy rendant a luy annuelment vn ark, vn co-  
teau, vn laüce, & tiels sem-  
bl', & ceo nest fors que so-  
cage en effect, mes hom ne  
poit tñer in graund ser-  
ieanty ne per petit seriean-  
ty si non de Roy. Auxy si te-  
nant per grand serieanty  
morust son heire esteant de  
plein age, le heire payera  
al Roy pur reliefe le value  
des terres ouster les char-  
ges que il pay al Roy per  
graund serieanty: mes ce-  
luy que tient per Escuage  
payera pur son reliefe for-  
que C.s.

Auxy ceux que sont en  
le Marches de Scotland,  
que tient del Roy per Cor-  
nage, cest est, pur ventiler  
vn cornu quant les Scots  
entrent en Angleterre, sont  
tenants per graund serie-  
antie.

Auxy ou vn home tient  
de Roy pur trouer vn ho-  
me en la guerre deins le  
Realme, cest est dit graund  
Serieanty, pur ceo que  
il est fait per corps dun  
home. Et si le tenant ne  
poit trouer home de faire  
ceo, donques il est tenu  
de faire ceo luy mesme.

holdeth of the King, pay-  
ing to him yearly a bow,  
a sword, a speare, and such  
like, and that is but So-  
cage in effect, but a man  
cannot hold in grand ser-  
ieantie, or by petit seriean-  
ty but of the King. Also if  
a tenant by graund serie-  
antie dieth, his heire being  
of full age, the heire shall  
pay to the King for reliefe  
the value of the lands over  
the charges that he payeth  
to the king by graund ser-  
ieanty: but hee that hol-  
deth by Escuage shall pay  
for his reliefe but C.s.

Also those that be in the  
Marches of Scotland,  
that hold of the King by  
Cornage, that is, to blowe  
an horn when the Scots  
enter into England, are  
tenants in graund Serie-  
antie.

Also where a man hol-  
deth of the King for to  
finde a man in his warres  
within the Realme, that  
is called graund Serie-  
antie, for that, that it is  
done by a Mans bodie:  
And if the tenant cannot  
find a man to do it, then he  
is bound to do it himselfe.  
And

And hee that holdeth by  
graund Serieantie hol-  
deth by knights seruice, &  
the king shall haue wade,  
marriage, & reliefe, but not  
of them that holde by  
petit Serieantie, but the  
king shall not haue of the  
that hold by graund Ser-  
ieantie Escuage, except he  
they hold by Escuage. So  
they that hold by graund ser-  
ieantie or escuage, hold by  
knights seruice. But one  
may hold by graund serie-  
antie, & not by escuage, and  
by escuage, & not by grand  
serieantie. And he knights  
seruice alwaies draweth  
to him ward, marriage, and  
reliefe.

Et il qui tient par grand serie-  
anty tient par seruice de chi-  
ualier, & le Roy auer garde,  
marriage, & reliefe, mes  
nemy de ceux qui tient per  
petite Serieantie, mes le  
Roy nauera de eux que si-  
ent per grand serieanty  
escuage, si non que ils tient  
par escuage. Il sint ceux que  
tient per grand serieanty  
ou escuage tient par seruice  
de chiualier. Mes vn poit  
tener per grand serie-  
anty & nemy per Escu-  
age, & per Escuage &  
nemy per grand seriean-  
tie. Et le seruice de chi-  
ualier tous foyes treyt  
a luy gard, marriage, &  
reliefe.

261 Grithbreach.

Grithbrech, that is the  
kings peace broke, be-  
cause (Grith) in English,  
is Pax in Latine.

Grithbrech.

Grithbrech, hoc est pax  
domini Regis fracta,  
quia (Grith) Anglice Pax  
Latine.

H.

162 Habere facias sei-  
sinam.

HABere facias seisinā, is  
writ iudiciall, & it lyeth  
where one hath reconered  
certain lands in the kings  
Court, then he shall haue

H.

Habere facias  
seisinam.

HABere facias seisinam,  
est vn brieve iudiciall,  
& gist luy vn ad recouer  
certaine terres en Court le  
Roy, donques il auera  
cest



# The Exposition of

cest bre direct al Vicount, that wilt directed to the  
 luy commaundant de don Sherrise, commaunding  
 a luy seisin del tre, & ne him to giue him seisin of  
 ferr retournable, that land, and it shall not  
 be retournable.

263 Hangwit.

HAngwit, hoc est quietū  
 esse de latrone suspensio  
 sine iudicio, vel extri custo-  
 diam vestram euaso.

Hangwit.

HAngwit, that is to bee  
 quit of a theefe oz felon  
 hanged without iudgemēt  
 oz escaped out of your cus-  
 todie.

264 Hariot.

HArriot, est en deux sorts,  
 lun Hariot custome, le  
 autre Hariot seruice.

Hariot seruice (ascuns  
 dient) est mult foits exp̄le  
 en le graunt dun home ou  
 en son fait, que il tient per-  
 tiel seruice pur paier hariot  
 al temps de son mort, Et cē.  
 Hariot est payable aps le  
 mort de le tenaunt en fee  
 simple.

Hariot custome, est lou  
 Hariots ont este paies cēps  
 hors dememory p custō.  
 Et ceo poit este aps le mort  
 del tenāt pur vie & c. mes a  
 parler de ceo generalmr,

Hariot est le meliour  
 beast (soyt il Chinal,  
 Boef, ou Vache) que le  
 tenaunt ad al temps de son  
 mort, Et le Seignior poyt

Hariot.

HArriot, is in two sortes,  
 the one Hariot custom,  
 the other Hariot seruice.

Hariot seruice (some  
 say) is often exp̄ssed in a  
 mans graunt oz deed that  
 he holdeth by such seruice  
 to pay Hariot at the time  
 of his death, And this ha-  
 riot is payable after the  
 death of the tenaunt in fee  
 simple.

Hariot custom, is where  
 Hariots haue bene paide  
 time out of mind by custō.  
 And this may be after the  
 death of tenant for life &c.  
 but to speake thereof gene-  
 rally,

Hariot is the best beast  
 (whether it be Horse, Ore  
 oz Cow,) that the tenant  
 had at t̄ time of his death.  
 And the Lord may either  
 seise,

seise, or take a distresse for it, whether it be Harriot service, or Harriot custome, to the Lords vse of whom the tenant held, by his baylife, or other officer belonging to his manour. But of right the Lord nor his officer should not take Harriot before it be presented at the next court holden after the tenant is dead, and that such a beast is due to the Lord for his Harriot.

265 Haybote, or Hedgebote.

Haybote, or Hedgebote, is necessarie stufte to make and amend hedges, which the lessee for yeeres, or for life, of common right may take vpon the ground, to him leased, although it be not expressed in his lease, and although it be a lease by wordes without writing.

Haybote also may be taken for necessarie stufte to make rakes, forkes & such like instruments where with men vse in Summer to tedde & make hay. And so a lessee for yeeres took it, and it was allowed him

seise, ou prèder vn distresse pur ceo, soit il Harriot service, ou Harriot custome, al vse del Seignieur de que le tenaunt tient per son baylife, ou auter officer de son manour. Mes de droit le Seignieur ne son officer ne doit prendre Harriot deuant que il soit present al prochein court tenuz apres le tenant est mort, & que tiel beast est due al Seignieur pur son Harriot.

Haybote, ou Hedgebote.

Haybote, ou Hedgebote, est necessarie stufte pur faire & amend hayes, que lessee pur ans, ou pur vie, de common droit poyt prendre sur le terre a luy lesse, nient obstant il ne soit expresse en son lease, & nient obstant que il soit vn lease per parolx sans escript.

Haybote auxy poit estre prise pur necessarie stuf pur faire rakes, forkes, & tiels semblables instrumens oue quux homes vsont en Summer dotedder & faik seine. Et issint vn lessee pur ans prist ceo, & fuit a luy allow per

The Exposition of

per son lessor, plus tost cōc by his lessor, the rather,  
 ico suppose, pur ceo que ti- as I suppose, for that such  
 els instruments sont com- instruments are common-  
 munement fait de slender ly made of slender under-  
 subboys, que per le com- wood, which by the com-  
 mon ley la lessée pur ans mon Law the lessée for  
 poit succider & prender yeares may cut and take  
 come est auantdit. as is aforesaid.

265 Hidage.

**H**idage, hoc est quietum  
 esse, si dominus Rex  
 ralliauerit totam terram  
 per hidas.

Nota q vn Hide de terre  
 est vn entier plough land:  
 Et cest kind de taxing per  
 hidas fut mult vse en viel  
 temps, cibien pur proui-  
 sion de Armour, come  
 payments de argent, &  
 ceo principalment en les  
 iours del Roy Echeldred  
 (vn Roy en cest pays de-  
 uant le Conquest) que en  
 le an de Christ 1006. quant  
 les Danes pristēt land al  
 Sandwich en Kent, taxe  
 tout son terre per hidas en  
 cest maner, Que chescun  
 310. hidas de terre doivent  
 trouer vne niese furnishe,  
 & chescun 8. hidas doi-  
 ent trouer vn Iacke & vn  
 Saller, pur le defence del  
 Realme.

Hidage.

**H**idage, that is to bee  
 quite, if the king shall  
 taxe all the land by hidas.

Note that a Hide of land  
 is a whole plough land.  
 And this kind of taxing  
 by hidas was much vled  
 in olde time, aswell for  
 prouision of Armour, as  
 payments of Money, and  
 that chiefly in K. Echel-  
 dreds dayes (a King in  
 this Countrey befoze the  
 Conquest) who in the  
 yeare of Christ 1006:  
 when as the Danes lan-  
 ded at Sandwicke in  
 Kent, taxed all his land by  
 hidas thus, That enery  
 thre hundred and tenne  
 hidas of land, shold find  
 one ship furnished, & enery  
 eight hidas shold find  
 one Iacke and one Sal-  
 let, for the defence of the  
 Realme.

267 Hotch-

267 Hotchpot.

Hotchpot.

**H**Otchpor, is a medling, or mixing together, and partition of landes giuen in Frankmarriage, with other lands in fee simple descended. As for example: a man seised of 30. acres of land in fee simple hath issue two daughters, and giueth with one of his daughters to a man that marrieth her x. acres of the same land in frankmarriage, and dyeth seised of the other xx. acres: Now if she that is thus marryed will haue any part of the twenty acres whereof her father dyed seised: she must put her lands giuen in frankmarriage in Hotchpot, that is to say, she must refuse to take the sole profits of the land giuen in frankmarriage, and suffer the land to bee commixt and mingled together with the other land whereof her father dyed seised, so that an equall diuision may bee made of the whole betweene her and her sister: And thus for her tenne acres she shall

**H**Otchpot, est vn medling ou mixing ensemble, & vn partition de terres done en Frankmarriage, ouesque autre terres en fee simple descendus. Come pur exemple: vn home seise de 30. acres de terre en fee simple, ad issue ij. filles, & done ouesque vn des ses filles al vn home que luy marrie 10. acres de ceo terre en frankmarriage, & mourust seise de les autres 20. acres: Ore si el que est issint marrie voilloit auer alcun part de les 20. acres de que son pere mourust seise: el doit mis ses terres done en frankmarriage en Hotchpot, ceo est adire, el doit refuser de prender le sole profite de terre done en frankmarriage, & suffer le terre de estre commixt & mingle ensemble ouesque le autre terre de que son pere mourust seise, issint que vn equall diuision poit estre fait de lentyer perenter luy & sa soer. Et issint pur sa 10. acres, el

auera

# The Exposition of

auera xv. auterment sa loer  
voit auer les 20. acres, de  
que lour pere moruk sei-  
fic.

268 Homage.

**H**Omage, est vn seruice  
que terra fait en tiel  
maner, cestascavoir, le te-  
nant en fee simple, ou fee  
taile, que tient per homage  
genulera sur ambideux  
genues disincte, & le  
Seignieur seera, & tiendra  
les maines son tenant en-  
ter ses maines, & le tenant  
dire: Ieo deueigne vostre  
home de cest iour en a-  
uant de vie & de member,  
& de terreine honour, & a  
vous terra foyal & loyal,  
& foy vous portera des  
terres que ieo claime de  
tener de vous, salue le foy  
que ieo doy a nostre Sei-  
gnieur le Roy, & donques  
le Seignieur ilint seant,  
luy basera.

Mes coment Fealtie terra  
fait, vide deuant en Fealty.

Et le Seneschal le Sei-  
gnieur poit prender fealtie,  
mes nemy Homage.

269 Homage auncestrel.

**H**Omage auncestrel, est  
lou vn home & ses aun-  
cestours de temps dont

haue listene, else her Shi-  
ster will haue the tventie  
acres, of which their Fa-  
ther died seised.

Homage.

**H**Omage, is a seruice  
which shall be made in  
such maner, that is to say,  
the tenant in fee simple, or  
fee taile, that holdeth by  
Homage, shall kneel vpon  
both his knees vngirded,  
and the Lord shall sit and  
shall hold the hands of his  
tenant betwixen his hands,  
and the tenant shall say:  
I become your man from  
this day forweward of life &  
member, & of earthly ho-  
nour, and to you shall bee  
faithfull & true, and shall  
beare to you faith for the  
lands that I claim to hold  
of you, sauing that faith  
that I owe to our Lord  
the King, & then the Lord  
so sitting, shall kisse him.

But how Fealtie shal be  
done, look before in fealty.

And the Steward of the  
Lord may take fealtie, but  
not Homage.

Homage auncestrel.

**H**Omage auncestrel, is  
where a man and his  
auncestours of time out of  
mind,

mind, did hold their land of their Lord by homage. And if such Lord hath received Homage, hee is bound to acquit the tenant against all other Lords aboue him of every maner seruice. And if the tenant hath done homage to his Lord, and bee impleaded, and boucheth the Lord to warrantie, the Lord is bound to warrant him, and if the tenant loose, hee shall recouer in value against the Lord so much of the lands as hee had at the time of the voucher, or any time after. Also if a mā that holdeth his land by homage auncestrel alien the land in fee, then hee alienee shall do homage to his Lord, but he shall not hold by Homage auncestrel for that the continuance of the tenancy in the blood of the first tenants is discontinued.

memory ne cource, ont tenu la fre del Seignior per homage. Et si tiel Sñr ad resceiue homage, il est tenu de acquiter le tenaunt vers tous auters Sñrs par amount luy de chescun maner seruice. Et si le tenāt ad fait homage a son Sñr, & soyt implede & vouch le Seignior a garrantie, le Sñr est tenu de luy garranter, & si le tenant perde, il recouera en value vers son Seignior tant des terres que il auoit al temps de la voucher, ou vnques puis. Auxy si home que tient la terre per homage auncestrel alien le terre en fee, donques le alienee ferra Homage a son Seignior, mes il ne tiendra per Homage auncestrel, pur ceo que le continuance del tenancy en le sanke del primer tenaunt est discontinued.

270 Homesoken.

**H**OMesoken, (or Hamesoken) that is to bee quit of amerciements for entering into houses violently & without licence,

Homosoken.

**H**OMesoken, (or Hamesoken) hoc est quietum esse de amerciamentis de ingressu hospiciorum violententer & sine licentia, &

The Exposition of

& contr' pacē domini Regis. Et quod teneatis placitū de hmodi transgres. facta in Curia vestra, & in terris vestris.

and contrary to the peace of the king. And that you hold plea of such trespass done in your Court, and in your land.

271 Homicide, ou Manslaughter.

Homicide, or Manslaughter.

**H**omicide, ou Manslaughter, est le occider d'un hom' feloniously sans malice premed. Il est auxy deheine issint, Homicidium est hominis occisio ab homine facta. Si autem a cane, boue, vel alia re, nō dicitur proprie homicidium: dicitur homicidium ab homine & cado, quasi hominis cadium.

**H**omicide, or Manslaughter, is the killing of a man feloniously without malice forthought. It is also defined thus, Homicide is the killing of a man by a man. And if such killing bee done by a dog, oxe, or other thing, it is not properly called homicide, for it is called homicide of a man & to kill, as the killing of a man.

272 Hornegelde.

Hornegelde.

**H**ornegelde, hoc est quietum esse de quadā consuetudine exacta per tallagium p totā terrā, sicut de quacunque bestia cornuta.

**H**ornegelde, that is to be quit of a certaine custom exacted by tallage thorow all the land, as of whatsoeuer hoene beast.

273 Housebote.

Housebote.

**H**ousebote, est necessarie merisime, que le lessee pur ans, ou pur vie, de common droit poit pñder sur le terre, pur repayer les measons sur mesme le terre a luy lessee, nient obstant il ne soyt expñse en le lease, & nient obstant il

**H**ousebote, is necessarie tymber, that the lessee for yeares, or for life, of common right may take vpon the ground, to repaire the houses vpon the same ground to him leased, although it bee not expñsed in the lease, & although it be

be a lease by word with-  
out deed. But if he take  
more then is needfull, he  
may be punished by an ac-  
tion of Waste.

274 Hundred.

Hundreds, were di-  
vided by Alfred the king  
after that he had deuised  
the whole Realme into  
certaine parts or sections,  
which of the Saxon word  
Scyran, signifying to cut,  
he termed Shires, or (as  
we per speake) Shares &  
porcions. These Shires  
he also deuised into smal-  
ler partes, whereof some  
were called Lathes of the  
word Gelathian, which is  
to assemble together, or  
thers Tythings, so na-  
med, because there were in  
each of them to the num-  
ber of ten persons, where-  
of eche one was suertie and  
pledge for others good a-  
bearing: Others Hun-  
dreds, because they con-  
tained iurisdiction ouer  
an hundred men or pled-  
ges, dwelling peraduen-  
ture in 2. or three or more  
parishes, borowghes, or  
townes, lying & adioyning  
nenertheles somewhat nere

soit vn lease per parol  
sans fait. Mes si il prist  
plus que besoigne, il poyt  
estre puni par vn action  
de waste.

Hundred.

Hundreds, fueront de-  
uise per Alfred le Roy,  
apres que il ad deuise le  
entier kealme en certaine  
parts ou sections, le quel  
de le Saxoa parol Scyran,  
signifiant de scinder, il  
terme Shires, ou (sicome  
nous vncore parle) Shares  
& porcions. Ceux Shires  
il auxy deuise en petites  
parts de queux ascuns fue-  
ront appeiles Lathes, de  
le parol Gelathian, que est  
de assembler ensemb'e,  
autres Tythings, issint  
nosme, pur ceo que la fue-  
ront en chescun de eux al  
number de dize persons,  
de que chescun fuit suer-  
tie & pledge pur autres  
bone behaviour: Autres  
Hundreds, pur ceo que  
ils containe iurisdiction  
sur vntoo. homes ou pled-  
ges, demurrant peraduen-  
ture en deux, ou trois, ou  
plus paroches, borowghes,  
ou villes, estant & adioy-  
nants nist meins pcheue  
ensem.



The Exposition of

ensemble, en le quel il ap-  
point administration de  
Iustice destre exercite se-  
ueralment enter eux de  
mesme le hundred, & ne-  
my que lun irra hors dis-  
orderment en l'auter hun-  
dred, lath, ou tything, en  
que il ne demurt. Ceux  
hundreds continue a cest  
iour en force, nient ob-  
stant ne en tout al mesme  
le purpose, pur que al pri-  
mer ils fueront ordein, vn-  
core a ore mult necessarie  
& en temps de peace pur  
bone order de gouverne-  
ment diuers voyes, & auxy  
en guerre pur certaine-  
tie de leuying de homes:  
come autrement pur le  
plus spedy collections de  
payments graunt en Par-  
liamt a les Roies & Roig-  
nes de cest Realme.

275 Hundredum.

**H**Vndredum hoc est qui-  
etum esse de denarijs  
vel consuetudinibus faci-  
endis praposis & hūdre-  
darijs.

I.

276 Ideot.

**I**Deot, est celuy que est  
vn sor naturall de sa  
neisture, & ne scauoit de

together, in which he ap-  
pointed administration of  
Iustice to be exercisid se-  
uerally amongst them of  
same hundred, & not that  
one should runne out dis-  
orderly into anothers hū-  
dred, lath, or tything,  
wherein he dwelleth not.  
These hundreds continue  
to this day in force, al-  
though not altogether to  
the same purpose, where-  
unto at the first they were  
appointed, yet still verie  
needfull, both in time of  
peace for good order of  
gouernmēt diuers waies,  
and also in warre for cer-  
taine tie of leuying of men:  
as els for the more readie  
collections of paymentes  
granted in Parliament to  
the Kings and Queenes  
of this Realme.

Hundredum.

**H**Vndredum, that is to  
bee quitte of monye or  
customes to be done to the  
gouernours and hundre-  
dors.

I.

Ideot.

**I**Deot, is he that is a fole  
naturally from his birth,  
and knoweth not how to  
accunt

account or number (twen-  
tie pence, nor cannot name  
his father, or mother, nor  
of what age himselfe is, or  
such like easie & common  
matters, so that it appea-  
reth he hath no manner of  
vnderstanding of reason,  
nor gouernment of him-  
selfe, what is for his profit  
or disprofit &c. But if hee  
haue so much knowledge,  
that he can read, or learne  
to read by instruction and  
information of others, or  
can measure an Ell of  
cloath, or name the dayes  
in the weeke, or beget a  
child, son, or daughter, or  
such like, whereby it may  
appeare that he hath some  
light of reason: then such a  
one is no Ideot naturally,

accompter ou number xx.  
d'. ne poit nosmer son pere,  
ou mere, ne de quel age il  
mesm est, ou tiel semblable  
plaine & common choses,  
issint que il appiert q'il nad  
ascun maner de entende-  
ment de reason ne gouerna-  
ment de luy mesme, q'il est  
pur son profit ou disprofit  
&c. Mes sil ad tant intelli-  
gence que il poit lier, ou  
apprendre de lier per in-  
struction & information de  
autres, ou poit mesure vn  
vlne de drape, ou nosme  
les iours en le semaine,  
ou engender vn enfant, fils,  
ou file, ou tiel semblable,  
per que il poit appeare que  
il ad ascun lumen de rea-  
son, donqs tiel nest Ideot  
naturalment.

277 Idemptitate no-  
minis.

Idemptitate no-  
minis.

[Demptitate nominis, is a  
writ, and it lyeth where  
a writ of debt couenant, or  
accōpt, or such other writ  
is brought against a man,  
and an other that hath the  
same name as the defen-  
dant hath, is take for him,  
thē he shal haue this writ,

[Demptitate nominis, est  
vn briefe, & gift lou bñe  
de Dette, Couenant, Ac-  
compt, ou tiel semblable  
bñe est port vers vn home,  
& vn autre que ad mesme  
le nosme come le defen-  
dant ad, est pris pur luy,  
donqs il auera cest briefe,

Q. lii.

per

# The Exposition of

per que le vicont fra inqui-  
rie deuant Iustice assigne  
en mesm le countie, si soit  
mesme le person ou nemy,  
& si ne soit trouue le party,  
donques il alera sans iour  
en peace.

by the which the Shirefe  
shall make inquirie befoze  
the Justice assigned in the  
same countie, if he bee the  
same person or not, and if  
hee be not found to be the  
partie, then hee shall goe  
without day in peace.

278 Ieosaile.

Ieosaile, est quant les par-  
ties al aucun suit en plea-  
dant ont a taunt procede  
que ils ayent ioine issue  
quel ferra trie, ou est trie  
per vn Iurie ou Enquest.  
Et cel pleading ou issue  
est ci malement plede ou  
ioine, que il ferra erreur si  
eux proceed: Donque a-  
cun del dits parties poit  
per leur counsell monstre  
ceo al Court auxy bien  
apres verdict done & de-  
uant iudgement, come de-  
uant le Iurie soit charge.  
Le montrans des queux  
defectes ceuant le Iurie  
charge, fait souent quant  
le Iurie veigne al Court de  
rier le issue: donques  
le counsell quel voit ceo  
monstre, dira, Cest En-  
quest ne doies prendre, Et  
si soit apres verdict, don-  
ques il poit dire, Al iudge-  
ment ne deues aler, Et

Ieosaile.

Ieosaile, is when the par-  
ties to any suit in plea-  
ding haue proceeded so far  
that they haue ioined issue  
which shall be tried, or is  
tried by a Iurie or En-  
quest. And this pleading  
or issue is so badly pleaded  
or ioined, that it wil be er-  
ror if they proceed: Then  
some of the said parties  
may by their counsel shew  
it to the Court as well  
after verdict giuen and  
befoze iudgement, as be-  
foze the Iurie be charged.  
The shewing of which  
defectes befoze the Iurie  
charged, was often when  
the Iurie came into the  
court to trie the issue: then  
the counsel which wil shew  
it shall say, This Enquest  
ye ought not to take. And  
if it be after verdict, then  
he may say, to iudgement  
you ought not to go. And  
be:

because by such many delays were in suites, divers statutes are made to redresse them, as wel in the time of R. H. 8. in the 32. yeare ca. 30. as in the time of Quene Eliz. Where of a man may say as the Ciuilians say, that although Constantine the Emperoz commanded the forges of the Law to be cut off, yet the daily vse of pleading doth sceme again to recall them, or rather, some of them increase as the heads of Hydra.

pur ceo que pertielx mult<sup>s</sup> delayes fueront en suites, diuers statutes sont faits de redresser ceo, auxy bien en temps de Roy H. 8. An 32. cap. 30. come en le temps le Roigne Elizab. De queux home poit dire come les Ciuilians diont, Quod tametsi iuris formulæ amputari iussit Constantinus Imperator, quotidianus tamen forensis vsus eas reuocasse viderur, vel potius, quod crescunt vt Hydraz capita.

279 Vnlawful assemblie.

VNlawfull assemblie, is where people assemble themselves together to do some vnlawfull thing against the peace, although that they execute not their purpose indeed.

280 Imparlance.

Imparlance, is when an action of debt, trespass, or such like is brought against a man, and after that he plaintife hath counted or declared, the defendant prayeth the Court, that hee may haue time to put in his answer to

Illoyall assemblie.

Illoyall assemblie, est lou people eux assemble insieme pur faire illoyal chose encounter le peace, nient obstant que ils ne execute leur purpouse en fait.

Imparlance.

Imparlance, est quant vn action de dette, trespass, ou tielx semblables est port enuers vn home, & apres que le plaintife ad count ou declare, le defendant prie le Court que il poit auer temps de mettre cins son respons al

Q. iij. auter

## The Exposition of

<p>auter iour en m le terme, ou en le procheine terme, cest day de respons est ap- pelle Impairance.</p>	<p>an other day in the same terme, or in the next terme following, this day of an- sswere is called impariāce.</p>
--	--

### 281 Imprisonment.

**I**mprisonment, nest auter chose forsque le restraint del libertie dun home, soit ceo en le ouert champs. ou en le cippes, ou cage en les estreats, ou en le proper meason dun home, cibien come en le cōmon gaole. Et en tous ceux lieux le partie issint restraine est dit destre vnprisoner, ci longement il cōe nad son liberty frankment de ire a tous temps & lieux lou il voit, sans baile, mainprise, ou auter authoritie.

### 282 Indicaunt.

**I**ndicaunt, est vn briefe, & gist lou debate est perenter deux Clerkes en court Christian dun Eglise, ou part de vn Eglise, pur dismes que amount al meins a le value de la quart part del Eglise, & pur ceo que le Patron del Clerke le defendaunt perdra son aduowson, si le Clerke le plaintife la recouera, donques il auera briefe

### Imprisonment.

**I**mprisonment, is no other thing, but the restraint of a mans libertie, whether it be in the open field, or in the stocks, or cage in the streets, or in a mans owne house, as wel as in the common gaole. And in all these places the party so restrained is said to be a prisoner so long as he hath not his libertie freely to goe at all times to all places whether he will, without baile or mainprise, or other authority.

### Indicaunt.

**I**ndicaunt, is a writ, and lyeth where debate is betwene ij. Clerks in court Christian of one Church, or part of a Church, for dismes which amounteth at the least to the value of the iiii. part of the church, & soz that that the Patron of the Clerk of the def. shal lose his aduowson, if the Clerk of the pt shal recover it, hee shal haue a writ directed

directed to the Clerke of the plaintif, the plaintif, or to the officers of the Court Christian; eux commaundant de cesser de leur plee, ielques il est discusse en Court le Roy a que laduowlon appent: Et cest briefe serra enter quater persons, deux serront patrons, & deux serront clerks. Mes cest briefe nest returnable: mes sils ne cessont leur suit il auer vii Attachment.

283. Infangtheefe.

Infangtheefe, that is that theues take within your demesne or see conuicted of thefts, shall bee iudged in your court.

284. Information.

Information for the R. is that, which for a common person is called a declaration, and is not alwaies done directly by the King, or his Atturney, but rather by some other man, who sueth or infoz-meth as well for himselfe vpon the breach of some penall law or Statute, wherein a penaltie is giuen to the party that will ne for the same, but no

Infangtheefe.

Infangtheefe, hoc est que latrones capti in domini-co vel in feodo vestro de latrocinijs conuicti, in curia vestra iudicent.

Information.

Information p le Roy est ceo que pur vn common Person est appell vn declaration, & nest tous foits fait directment per le Roy, ou son Atturney, mes per vn autre home, Qui tam pro domino Rege quam pro se ipso sequitur, sur le breach de ascun penal ley ou statute, en que vn penaltie est done al partie que voit suer pur ceo, mes nul

Q.iii. action

The Exposition of

action de det pur recouer  
ceodong; il doyt este ewe  
per information.

action of debt to recouer  
it, then it must bee had by  
information.

Instant.

285

Instant.

Instant, which is said in

Instant, que est dist en

Latine Instant, & defined

Latine Instant, & define

by the Logicians, a thing

per les Logicians, Vnum

not dividable in time,

indivisible in tempore, quod

which is not any time, nor

non est tempus, nec pars

part of time, to which yet

temporis, ad. quod tamen

the parts of time are con-

partes temporis copulantur,

ioyned, is much considered

est mult consider en ley:

in the law, & though it can-

& coment. ne poet ac-

not bee actually devided,

tuelment deste deuide,

yet in consideration & con-

uncore est en considera-

ed to severall purposes, as

cion & concept deuide

if they were severall times,

& applie al severall pur-

whereof see in M. Plowdens

poses, sicome tueront se-

Com. in the case betwaine

uerall temps, de quel vide

Fulmerston & Stuard, where

en Master Plowdens Com-

the stat of 21. H. 8. which

mentarius, en le case enter

enacted, & if an abbot w<sup>an</sup>

Fulmerstone & Stuard, lou

a pere before & statute had

lestatute 31. Henry 8. que

letten lands to one, which

enact, que si Abbe deins

at the time of the making

an deuant cest Statute

of that lease, had the same

lelsa terre al vn, que don-

lād to ferme for a terme of

q; eyt melin terre al ferm,

peeres, at the time of & ma-

sur terme de ans donque

king of that lease not ex-

ment expif q le lessee auç

pired, that the lessee should

cest terre solement p vint

haue that lād only for 21.

vn ans, est expounde. Et

peeres is expounded. And

la est debate que quaut

there it is debated, that

termor prent le seconde

when & termoz taketh the

lease, il surrender son

2. lease, he surrendreth his

for

former term which he had former terme que il auoit  
before, & so at þ same time deuant, & sic al mesme  
at þ taking of the 2. lease, temps del prisel del se-  
the former terme was ex- cond lease, il eit vn former  
pyred, & so at one instant terme, & per le prisel del  
and time he had a former secōd lease le former terme  
terme, and also the former fuit expire, & issint al vn  
terme was expyred & de- instant & temps, il eit vn  
termined. And in the case former terme, & auxy le  
betwene Petie & Hales, he former terme fuit expire  
which killeth himselfe, till & determine. Et en le case  
he be dead did not commit enter *Petie & Hales*, cestuy  
felony, and when he was que occide luy mesme,  
dead, he was not in being, ranque soit mort ne fesoit  
so that hee might be ter- felonie, & quant fuit mort,  
med a felon, but at the in- ne fuit en else, issint que  
stant is in the law adiud- poit este dit felon, mes al  
ged a felon. And so there instant est en ley adiudge  
be many other cases in the felon. Et sont mults au-  
law, where the instāt, that ters cases en ley, lou le  
is not deuidable in na- instant temps, que est in-  
ture, in the consideration deuisible en natūr, en con-  
of the mind & vnderstan- sideration del ment & en-  
ding of the sages of the tendemēt del sages del ley  
lawe, is deuided, vpon est deuide, sur queux surde  
which arise many argu- mults argumēt de graund  
ments of great wit & pro- ingenie & profound iudg-  
found indgement. ment.

286 Iointenants.

**I**Ointenāts be where two  
men come to any lands  
& tenements by one ioint  
title: As if a man giue  
lands to two men and to  
their heires.

But tenants in com-

Iointenants.

**I**Ointenāts sont lou deux  
homes vient a ascun ter-  
res ou tenements per vn  
ioint title: come si home  
done terre a deux homes  
& leur heires.

Mes Tenants en com-  
mon



# The Exposition of

mon sont lxxij. homes  
ont terres per feuerall ti-  
tles, ou per feoffement al  
deux, a auer & tener lon  
moitie al vn & ses heires,  
& l'auter moitie al l'auter  
& ses heires, en tous ceux  
cases nul de eux scauoit  
son feuerall, come il serra  
dit apres.

Et nota si sont deux ou  
trois ioyntenaunts, & vn  
ad issue & deuie, don-  
ques cestuy ou ceux ioin-  
tenants que suruesque a-  
uera l'entier per le sur-  
uiuer.

Mes si deux iointenaunts  
font particion enter eux p  
fait per agreement, doncs  
ils sont feuerall tenants.

Mes si vn iointenaunt  
graunt ceo que a luy ap-  
pent a vn estraunger, don-  
ques l'auter iointenant &  
le stranger sont tenants en  
common.

Et mesque ij. tenants  
en common sont seise  
per my & per tout, & nul  
conult son feuerall, vncore  
si vn deuie, l'auter ne au-  
ra l'entier per surui-  
uer, mes le heire de  
cestuy que deuie auera le  
moitie.

mon be where two men  
haue lands by feuerall ti-  
tles, or by feoffement to ij.  
to haue & to hold the one  
halfe to one & his heires,  
& the other halfe to another  
and his heires, in all these  
cases none of them know-  
eth his feuerall as it shall  
be said after.

And note wel, if there be  
two or three iointenants,  
and one hath issue & dieth,  
then he and those ioynte-  
nants that ouerliue shall  
haue the whole by the sur-  
uiuer.

But if two iointenants  
make particion between the  
by deede by agreement, then  
they be feuerall tenants.

But if one iointenant  
grant that that belongeth  
to him to a stranger, then  
the other iointenant and  
the stranger be tenants in  
common.

And though two te-  
nants in common be seised  
thoroughly & of the whole,  
and none knoweth his fe-  
uerall, yet if one die the  
other shall not haue the  
whole by the suruiuer, but  
the heire of him that dieth  
shall haue the halfe.

And

And so if there be thre Jointenants, and one of them maketh a feoffment of his part to an other, and the feoffee dieth, then his heire shall haue the third part, and the other two be iointenants as they were, because that they two be seised by one ioint title.

Also if lands be given to the Baron, and to his wife, and the husband alieneth and dyeth, the wife shall recouer the whole: but if they were Joints: nants before h couerture, then in such case she shall recouer but the halfe.

Also if land be given to the husband & to his wife, and a third person, if the third person graunt that that belongeth to him, the one halfe passeth by this grant, for that that the baron & his wife be but one person in the law, & in this case they haue nothing in right but the halfe.

Also if two Joints: nants be of lands in a Towne which is Borough Eng: lish, where land is deu: sible, and one by his testa: ment deuise that, that

Et ainsi si sont iij. Joints: tenants, & vn de eux fait feoffement de son part a vn autre, & le feoffee deuie, donques son heire auera le tierce part, & les autres ij. sont iointenants come ils fueront, pur ceo que eux deux sont seises per vn ioint title.

Auxy si terre soit done al baron & la feme, & le baron alien & deuie, le feme recouera l'entier: Mes si ils fueront Joints: nants deuant le couerture, donques en tel case el recouert forsque le moitie.

Auxy si terre soit done al baron & la feme, & al tierce person, si le tierce person graunt ceo que a luy appent, la moitie passa per cel graunt, pur ceo que le baron & la feme sont forsque vn person en le ley, & en cest case ils nont en droit forsque le moitie.

Auxy si deux Joints: nants sont des terres en ville que est Borough Eng: lish, lon terre est deu: sible, & lun per son Testament deuise ceo que a luy

## The Exposition of

a luy appent a vn eſtranger belôgeth to him to a ſtran-  
 & deuie , ceſt deuie eſt ger a dieth, this deuie is  
 void, & le auter auera len- void, & the other ſhall haue  
 tiercie per ſuruiuer, pur ceo the whole by ſuruiuer, for  
 que le deuie ne poit pren- that the deuie may not  
 der effect tanque apres le take effect til after ſ death  
 mort le deuifor, & imme- of the deuifor, and imme-  
 diate apres le mort le de- diate after the death of the  
 uiſor, le droit deuient al deuifor, the right commeth  
 auter iointenant per le ſur- to the other iointenant by  
 uiuour, le quel ne claime the ſuruiuor, the which  
 riens per le deuifor, mes clai meth nothing by the  
 en ſon droit demefne per deuifor, but in his owne  
 le ſuruiuor. Mes auter mêt right by the ſuruiuer. But  
 eſt de Parceners ſeiſies des otherwiſe it is of Parce-  
 terres deuifables, Cauſa ners ſeiſed of lands deuif-  
 qua ſupra. ſable, Cauſa qua ſupra.

287 Iointure.

**I**ointure, eſt vn eſtate &  
 aſſurance fait al vn feme  
 en conſideration de mar-  
 riage pur terme de ſa vie,  
 ou autrement, come eſt  
 mention en leſtatute 27.  
 H.8. cap 10. ſoit il deuant  
 ou apres le mariage: Et ſi  
 ſoit apres le mariage, don-  
 ques el poit a ſa libertie  
 apres le mort de ſon ba-  
 ron reſuſer de prendre ou  
 auer les terres iſſint aſſure  
 pur ſa Iointure, & de-  
 maund ſa dower al com-  
 mon ley: Mes ſi il ſoit fait  
 deuaunt mariage, don-  
 ques el ne poit reſuſe tiel

Iointure.

**I**ointure, is an eſtate and  
 aſſurance made to a wo-  
 man in conſideration of ma-  
 riage for terme of her life,  
 or otherwiſe, as is menti-  
 oned in the ſtatute 27. H.8.  
 cap. 10. whether it bee be-  
 fore or after the marriage:  
 And if it be after the mar-  
 riage, then ſhe may at her  
 libertie after the death of  
 her husband reſuſe to take  
 or haue the lands ſo aſſu-  
 red for her Iointure, and  
 demaund her dower at the  
 common law: But if it be  
 made before marriage, then  
 ſhe may not reſuſe ſuch  
 ioyne.

ioynture, nor haue dower according to the common law, vnlesse that when she bringeth her writ of Dower, the defendant pleadeth such a plea that will not barre her of her dower, the shee shall be endowed: As if he say in barre, that her husband was not seised of such estate whereof shee might be endowed, or any such plea, & doth not shew that shee hath a iointure made &c. and therefore demandeth iudgement of that action, or iudgement if shee shall be also endowed, or any such like plea &c. And this was the opinion of the right worshipful Master Brograu, at his Reading in Grayes Inne in summer Añ 1567. 18. El. by a branch of the statute made Añ 27. H. 8. ca. 10. concerning iointures & dowers.

And by him, of those things whereof a woman may be indowed, shee may haue iointure, as of mines, vesturam terræ, woodes, Townes, Isles, meadowes, and such like. Also of an aduowson, of a reuerſion depending vpon

ioynture, ne auer dower accordant al common ley, sinon que quant el port la brieve de Dower, le defendant plede tiel plee que ne voile luy barrer de sa dower, donques el serra endowe: Sicome il dit en en barre, que sa baron ne fuit seisie de tiel estare de que el doit este endowe, ou ascun tiel plee, & ne monstre que el ad vn iointure fait &c. & pur ceo demande iudgement de cel action, ou iudgement si el serra auxy endow, ou ascun tiel semblable plee &c. Et ceo fuit l'opinion de le droit worshipful Master Brograu, al son Lecture en Grayes Inne en Summer Añ 1567. 18. Elizab. sur vn branch del statute fait Añ 27. H. 8. cap. 10. concernant Ioyntures & Dowers.

Et per lay, de ceux choses de que vn feme poit este endowe, el poit auer vn iointure, come de Mines, vesturam terræ, boys, villes, Isles, meadowes, & tiels semblables. Item dun aduowson, dun reuerſion dependant sur

The Exposition of

vn estate pur vie , de vn an estate for life , of a Windmill, vn hault chamber, vn Rectorie, & tiels other, and they are called tenements. Item dun vilein, car il est hereditament. Et de tous ceux profit poit venter al feme. But of all these profit may come to the woman. But of those things wherof no profit wil come, but rather a charge, a iointure ne poit estre fait, iointure cannot be made.

L.

L.

288 Larceny.

**L**arceny, est vn torcious prisel des biens de vn auter home, mes nemy de son person, oue vn ment de eux embleer, enconter son volunt que biens ils fueront.

Et Larcenie est en deux sorts: lun issint appell' simplement, & l'auter petit Larcenie.

Le primer est, lou le chose emblee exceda le value de xij. d'. & ceo est Felonie.

Le auter (que est appelle petit Larcenie) est lou le chose emblee, ne exceda le value de xij. d'. & ceo nest Felonie.]

Theft.

**T**heft, is a wrongfull taking away of an other mans goods, but not from his person, with a minde to steal them, against his will whose goods they were.

And Theft is in two sorts: the one so called simply, and the other petit oz little Theft.

The first is, where the thing stolen excedeth the value of xij. d. and that is Felonie.

The other (which is called little oz petite theft) is where the thing stolen doeth not exceed the value of xij. d. & that is no felony.

289 Lastage.

289

Laſlage.

**L**aſlage, that is to bee quite of a certains cuſtome exacted in *Faires & Markets* for carrying of things where a man will,

290

Leaſes.

**L**eaſes, be graunts or demises by one which hath any estate in any hereditaments, of those hereditaments to another for a lesser time, and they be in diuers maners, that is to say, for terme of life, for terme of yeares, for terme of another's life, & at will.

Also a lease of land is as good without deed as with deed.

But in a lease for terme of life, it behoueth to giue liuerie and seisin vpon the land, or else nothing shal passe by the grant, because that they bee called freeholders.

Also a lease of a common or rent, may not be good without deed.

But of a Parsonage which hath glebe, it is good without deed, for that that the glebe of the church which is the principall, may passe well ynough

Laſlage.

**L**aſlage, hoc est quietum esse de quadam consuetudine exacta in *Nundinis & Mercatis* pro rebus cariandis ubi homo vult.

Leaſes.

**L**eaſes, sont graunts ou demises per vn que ad aucun estat en hereditaments, de ceux hereditaments al autre pur meinder temps, & ceo sont en diuers maners, cestascavoir, pur terme de vie, pur terme de ans, pur terme d'auter vic, & a volunt.

Auxy vn lease de terre est auxy bone sans fait come per fait.

Mes en lease pur terme de vie, il couient de doner liuerie & seisin sur le terre, ou autrement riens passera per le graunt, pur ceo que ils sont appellees franktenements.

Auxy vn leas de vn common ou rent, ne poit estre bone sans fait.

Mes de vn Parsonage que ad glebe, il est bone sans fait, pur ceo que le glebe de le Eglise que est le principal, poit asters bien passer sans

# The Exposition of

sans fait, & iſſint les dismes & offeringes que font come accessarie al Es- glise.

Mes dismes & offeringes per soy, ne poyent este lesses sans fait vt dicitur.

291 Lessor & Leslee.

**L**essor, est celuy que lessa terres ou tenements al auter pur terme de vie, ans, ou a volunt: Et celuy a que le lease est fait, est appelle Leslee.

192 Leuant & Couchant.

**L**euant & Couchant, est dit, quant les beastes ou cattell dun estranger sont venue en le terre dun auter home, & la ont remaine vn certaine bone space de temps.

293 Ley.

**L**ey, est quant action de Dette est port vers vn sur ascun secret agreement ou contract ew perenter les parties sans especialtie monstre, ou auter matter de record: come en vn action de Detinue pur ascun biens ou chattels accōmoda ou relinque oue le defendant, donques le defendant poit gager son ley, sil voile, cestascavoir, de

without deede, and so the dismes & offeringes which bee as accessarie to the Church.

But dismes & offeringes by them self may not be let without deede, as it is said.

Lessor & Leslee.

**L**essor, is he that letteth lands oz tenements to an other for terme of life, yeares, oz at will: And he to whom the lease is made, is called Leslee.

Leuant & Couchant.

**L**euant & Couchant, is said, when the beastes oz cattell of a stranger are come into an other mans ground, and there haue remained a certaine good space of time.

Ley.

**L**ey, is when an action of debt is brought against one vpon some secret agreement oz contract had between the parties without especialty shewed, oz other matter of record: as in an action of Detinue for some goods oz chattels lent oz left with the defendant, then the defendant may wage his law, if hee will, that is to say, to sweare

**S**wear vpon a booke, and certain persons with him that hee detapneth not the goods, or oweth nothing to the plaintife in maner & forme as he hath declared.

**A**nd it is allowed onely in cases of secrecy, where the plaintife cannot proue the surmise of his suite by any deede or open acte: or the defendant might discharge it priuily betwene thē, without any writing of acquitance, or publique acte: And therefore in an action of debt vpon a lease for terme of yeares, or vpon arrerages of accompt before auditors assigned a mā shal not swage his law.

**B**ut whē one shal swage his law, he shal bring with him 6. 8. or 12. of his neighbors, as the Court shal assigne him, to swear with him, much like vnto the othe which they make which are vsed in the Ciuill law, to purge others of any crime lated against them, which are called cō-purgators.

**N**ote that the offer to make the oath is called wager of Law, and when

iurer sur vn Lieur, & certain persons oue luy que il ne detaine les biens, ou doit riens al plaintife en maner & forme com il ad declare.

**E**t cest allowe solement en cases de secrecy, ou le plaintife ne poit prouer le surmise de son suit per aucun fait, ou ouert acte ou le defendant poyt ceo discharge secretment perenter eux sauns aucun elcript de acquitance, ou publique acte. Et pur ceo en action de Debt sur vn lease pur terme dans, ou sur arrerages de accompt deuant Auditors assigne, home ne gagera son ley.

**M**es quant vngagera son ley, il amesnera ouesq; luy 6. 8. ou 12. de ses vicines, come le Court luy assignera, de iurer ouesque luy, mult semble al serement que eux fesoient que sont vses en le Ciuil ley, de purger auis de aucun crime al eux impure, que sont appel cō-purgators.

**N**ota que le offer de faire le serement est appel le gager del ley, & quant



### The Exposition of

il est accomplish, donques it is accomplished, then is  
est appel, le ficans del ley. is called, the doing of your  
law.

Et auxi si le Vicount en And also if the Shherife  
ascun action retourne que il in any action retourne, that  
eit summon le defendaut he hath summoned the de-  
de appearer en Court a as- fendât to appeare in court  
cun iour a respôd le plain- at any day, to aunswer the  
tise, a quel iour il fait defalt plaintife, at which day hee  
processe serra agarde vers maketh default, processe  
luy de vener & saue, ou ex- shall bee awarded against  
cuse son default: que est a him to come & saue, or ex-  
tant a dire, come purgare cuse his default: which is  
moram, ou autrement de as much to say, as to ex-  
perder le chose demaund: cuse & delay, or otherwise  
Et donques le defendaut to lose the thing deman-  
vient & voit iurer que il ne ded: And then the defen-  
fuit summon, que est appel dant commeth & wil swere  
gager de ley, donques il that hee was not summo-  
doit ceo faire al iour as- ned, which is called wa-  
signe oue xij auters: Et ging of law, then he ought  
en fesaunt del ley il doyt to do it at the day assigned  
sur son serement affir- with xii. others: And in  
mer directment al con- doing of his law, he ought  
trarie de ceo que est im- vpon his oathe to affirme  
pute a luy, Mes les au- directly the cōtrary of that  
ters ne dirra, mes que which is imputed to him,  
eux entende que il dit le But the others shall not  
veritie. say, but that they thinke  
that he saith the truth.

294 Libertate probanda.

**L**ibertate probanda, vide  
de ceo en le title de Na-  
tiuo habendo.

Libertate probanda.

**L**ibertate probanda, loth  
for that in the title of  
Natiuo habendo.

295 Limitation.

Limitation, is an assignement of a space or time, within which, he that will sue for any lands or hereditaments, ought to prove that hee or his auncellor was seised of the thing demanded, or otherwise hee shall not maintaine his suit or action, which assignments be made by divers statutes, whereof the last was act 32. h. 8. ca. 2.

296 Liuerie of seisin.

Liuerie of seisin, is a ceremony used in conveyance of landes or tenements where an estate in fee simple, fee tail, or a freehold shall passe: And it is a testimoniall of the willing departing by hym who makes the Liuerie from the thing whereof liuerie is made: And the receiving of the Liuerie, is a willing acceptance by the other partie, of all that wherof the other hath dismissed himselfe: And was inuented as an open & notorious thing, by meanes whereof the common people might haue knowledge of the passing or alteration

Limitation.

Limitation, est vn assignement de space ou tēps, deus quel, celly que vuole suer pur ascuns terres ou hereditaments, doit prouuer que il ou son auncellor fut seise de la chose demandee, ou autrement ne maintenera son suite ou action, quel assignements sont faictes per diuers statutes, darreinment per 32. H. 8. cap. 2.

Liuerie de seisin.

Liuerie de seisin, est vn ceremonie use en conueyance de terres ou tenements lou vn estate en fee simple, fee taile, ou vn franktenement passera: Et il est vn tesmoigne de le voluntarie departing per luy que fait le Liuerie de la chose de que liuery est fait: Et le receit del Liuerie est vn voluntarie acceptance per le autre partie, de tout ceo de que autre ad luy dismissé. Et suit inuent come vn ouert & notorius chose, per meane de que le common people poyent auer intelligence de passing ou alteration

R. ij.

de

### The Exposition of

de estates de home al hōe, of estates from man to  
 que per ceo ils poient estre man, that thereby they  
 le meliour able pur trier en might be the better able to  
 que le droit & possession trie in whom the right &  
 de terres & tenements fu possession of lands & tene-  
 eront, ils doient estre em- ments were, if they should  
 panel & iures, ou autrement be impanelled in Juries,  
 ont a faire concernant or otherwise haue to doe  
 ceo, concerning the same,

Le common manner de deliuerie de seisin, est en cest deliuerie of seisin, is after  
 sort fait: Si il soit en this sort done: If it be in  
 ouert champpe ou ne sont the open field where is no  
 edifices, ou meason, don- buyding, or house, then  
 ques vn que poit lyer, one that can reade, taketh  
 prist le fait en son maine, the writing in his hand,  
 si lestate passera per fait, if the estate shall passe by  
 & declare al eux que la dede, and declareth to the  
 sont le cause de leur ven- standers by the cause of  
 ner la ensemble, & don- their meeting there toge-  
 ques ouertment lya le ther &c. and then openly  
 fait, ou declare le effect readeth the deed, or decla-  
 de ceo en Englois, & reth the effect thereof in  
 apres que il est seale, le English, and after that is  
 partie que est a depar- sealed, the partie who is to  
 ter oue le terre, prist le depart from the ground, ta-  
 fait en ses maines ense- keth the deed in his hands  
 ble ouesque vn clod del together with a clod of the  
 terre, & vn twigge ou earth, & a twig or bough,  
 bough, sil y adascun la, if any bee there, and all  
 & tout ceo il deliuer al this hee deliuereth to the  
 autre partie en le nosme other party in the name of  
 de possession ou seisin, possession or seisin, accor-  
 accordaunt al fourme & ding to the forme & effect  
 effect del fait, que de- of the dede, which befoze  
 them

them was there read or declared. But if there be a dwelling house or building upon the land, then this is done there at the doore of the same, none being left at that time within the house, and the party deliuereth all the aforesaid together with the ring of the doore in the name of seisin or possession, and he that receiveth the liuerie entred in first alone, and shutteth to the doore, and presently openeth it again, and letteth them in &c. If it be of a house whereto is no land or ground, the liuerie is made, and possession taken by the deliuerie of the ring of the doore and deed only. And where it is without deed, either of landes or tenements, there the partie declareth by word of mouth before witnesse, the estate that he meaneth to depart with, and then deliuereth seisin or possession in manner as is before said: and so the land or tenement doth passe as well where there is no deed, as by deed, & that by force of the liuerie of seisin:

uant eux fait la lye ou declare. Mes sil soit vn habitation ou edifice sur le terre, donques ceo est fait la a le doore del ceo, nul esteant relinquis a cest temps deins le meason, & le partie deliuer tout les auantdicts ensemble ouesque le annell del doore en nosme de seisin ou possession, & il que receiua le liuerie entra primes sole, & shutta le doore, & presentment ouert ceo, & lessa eux eins &c. Sil soit de vn meason a que est nul terre, le liuerie est fait, & possession prise per le deliuerie del annel de le doore & fait solement. Et ou il est sans fait de terres ou tenements, la le partie declare per parol deuant tesmoignes, le estare ouesque il entende de departer, & donques deliuer seisin ou possession en manner come est auantdit: & issint le terre ou tenement passera ci bien lou il nad fait, come per fait, & ceo per force de le liuerie de seysin:

R. iij.

Il

The Exposition of

Il fuit agree en Grayes  
Inne per le droit Wor-  
shipfull maister Snagge, al  
son Lecture la en Summer  
An 1574. que si vn feof-  
four deliuer le fait en view  
del terre, en noīme de sei-  
sin, que il est bone, pur ceo  
que il ad vn possession en  
luy mesme. Mes auter-  
ment est dun Attorney, car  
il doit aler al terre, & prise  
possession luy mesme, de-  
uant que il poit doner pos-  
session al auter, accordant  
al parolx de son garrant  
&c. Et lou lierie de seisin  
est per le view, si le feoffee  
ne entra pas puis &c. nul  
chose passa, car il doit en-  
ter en fait.

It was agreed in Grayes  
Inne by the right wor-  
shipfull M<sup>r</sup>. Snagge, at  
his reading there in sum-  
mer Anno 1574. that if a  
feoffor deliuer the deed in  
view of the land, in name  
of seisin, that it is good, be-  
cause that he hath a pos-  
session in himselfe. But  
otherwise it is of an At-  
torney, for he must go to  
the land, and take posses-  
sion himself, betoze that he  
can giue possession to an  
other, according to the  
words of his warrant &c.  
And where Lierie of sei-  
sin is by view, if the feoffee  
do not enter after &c. no-  
thing passeth, for he ought  
to enter in deed.

297 Lothervit.

Lothervit, hoc est quod  
capiatis emendas ab ip-  
so qui corrumpit vestram  
natiuam sine licentia ve-  
stra.

Lothervit.

Lothervit, that is, that  
you may take amends  
of him which doth defile  
your bondswoman with-  
out your licence.

M.

298 Maihim, ou Maim.

Maihim, est lou per le  
tortious act dauter, as-  
cun member est dampni-  
fic ou tolle, per que le par-  
tie issint dampnific est fait

M.

Maihim, or maim.

Maihim, is where by the  
wrongfull act of ano-  
ther, any member is hurt  
or taken away, whereby  
the party so hurt is made  
imperfect

imperfect to fight: As if imperfect a combast: Come  
a bone bee taken out of the si vn osse soyt prise hors  
head: or a bone be broken del test: ou vn osse soyt de-  
in any other part of the bruseen ascun auí part del  
body: or a foote, or hand, corps, ou vn pee, ou main,  
or finger, or ioint of a foot, ou digit, ou ioint dun pee,  
or any member bee cut: ou ascun member soit scy:  
or by some wound the sin- ou p asc' plage les nerues  
nerves be made to shrink, sont fait de shrinker, ou  
or other member, or the auter member, ou les di-  
fingers made crooked, or gies fait curue, ou si vn oile  
if any eye be put out, or the soyt mise hors, ou les ante-  
foreteeth broken, or any or- rior dentes debruse, ou as-  
ther thing hurt in a mans cun auter choseen le corps  
body, by meanes whereof dun hoím, p reason de quel  
hee is made the lesse able il est fait le meins able pur  
to defend himself, or offend defender luy in, ou offend  
his enemy. son enemy.

But the cutting off of Mes le scier de vn orial,  
an eare or nose, or brea- ou nase, ou lenfeinder  
king of the hinder teeth, del dents moliers, ou tiels  
or such like, is no maim, semblables nest asc' May-  
because it is rather a de- hem, par ceo q il est pluis  
formitie of the body, then vn deformitie de le corps,  
diminishing of strength, que vn defect del strength,  
and that is commonly & ceo est communement  
tried by beholding the try per le inspection del  
partie by the Iustices. partie per les Iustices. Et  
And if the Iustices stand si les Iustices sont é doubte  
in doubt whether the hurt si le dam soyt vn Mayhim  
be a Maim or not, they ou nemy, ils vse, & voy-  
ble and will of their great lent de lour graunde di-  
discretion take the helpe cretion prendre le ayde  
and opinion of some skils & opinion de ascun cru-  
full Surgeon, to consider dite Surgeon, p consider  
R iij. de

# The Exposition of

de ceo deuant que ils de-  
termine sur le cale.

299 Mainprise.

**M**Ainprise, est quant vn  
home est arreſt p Ca-  
pias, donqz les Iudges poi-  
ent deliũſon corps a cer-  
taine homes pur garder &  
de luy amesner deuant eux  
a certaine iour, & ceux ſont  
appels maynpernors, & ſi  
le party ne appeare al iour  
aſſigne, les mainpernours  
ſeront amercie.

thereof befoze they deter-  
mine vpon the caſe.

Mainprise.

**M**Ainprise, is whẽ a mā  
is arreſted by Capias  
then the Judge may deli-  
uer his body to certain mē  
for to keepe & to bring him  
befoze them, at a certaine  
day, and theſe bee called  
mainpernors, & if the par-  
ty appeare not at the day  
aſſigned, the mainpernors  
ſhalbe amerced.

300 Mannour.

**M**Annour, eſt vn choſe  
compound de diuers  
choſes, come de vn mea-  
ſon, terre errable, paſture,  
pree, boys, rent, aduowſon,  
Court baron, & tiel ſem-  
blables queux ſont vn ma-  
nor. Et ceo doyt eſte p an-  
tient continuance de tẽps,  
cuius contrariũ memoria  
hominum non exiſtat: car  
a ceo iour vn mannour ne  
poit eſte fait pur ceo q vn  
Court baron ne poit eſte  
fait a ore, & vn mannor ne  
poyt eſtre ſaũs vn Court  
baron & ſuiters ou frankē-  
nants, deux al meins, car  
ſi toutes les franktē-  
ments forſque vn eſcheate

Mannour.

**M**Annour, is a thing  
compounde of diuers  
things, as of a houſe, land  
arable, Paſture, Mea-  
dow, woode, rent, aduow-  
ſon, Court baron, & ſuch  
like, which make a manor:  
And this ought to bee by  
long continuance of time,  
to ꝑ cōtrary whereof māſ  
memozie cannot diſcerne:  
for at this day a mannour  
cannot bee made, becauſe  
a Court baron, cannot  
now bee made, and a man-  
nour cannot be without a  
Court baron, and ſuiters  
or freeholders, two at the  
leaſt, for if all the free-  
holders except one eſcheate  
to

to the Lord, or if hee purchase all except one, there his manor is gon, for that it cannot be amanoz without a court Baron (as is aforesaid) And a Court Baron cannot bee holden but befoze iurors, and not befoze one iurer, & therfore where but one freehold or freeholder is, there cannot be a manor properly, although in common speech it may be called a manor.

301 Manumission.

Manumission, is the making of a bondman to be a freeman, & may bee in two sorts, the one is manumission expresse, the other a manumission implied or secret.

Manumission expresse is where the Lord maketh a deed to his villein to enfranchise him by this word (Manumittere) which is as much to say, as to let one go out of another mans hands or power.

The manner of Manumitting or enfranchising in olde time most usually was thus: The Lord (in presence of his neighbours) take the bondman

al Sür, ou fil purchase tous preter vn, la son manor est ale, pur ceo q'il ne poit estre vn manor sans vn Court Baron (come auantdit.) Et vn Court baron ne poit estre tenu mes deuant iurors, & nemy deuant vn iurer, & ideo lou forsq; vn franktenement ou franktenant est, la ne poit estre manor, ppermt coment en common parlans ceo poit estre appel vn manor.

Manumission.

Manumission, est le fessans dan que est villein de estre franke, & puit estre en deux sorts, le vn est vn manumission explicite, lautre vn manumission implicite.

Manumission explicite est quant le Sür fait vn fait al son villein pur luy enfranchiser per cest parol (Manumittere) quod idem est, quod extra manũ, vel extra potestatem alterius ponẽt.

Le manner de Manumitting ou enfranchising en temps passe plus vusualment fuit issint: Le seigneur (en presence de ses vicines) priũ le villeine per



# The Exposition of

per le te ſt diſant, Ieo voile  
que ceſt home toit franke,  
& oue ceo il luy miſe a-  
uant hors de ſes maines, &  
per ceo il fuit franke ſauns  
aſcun plus faire.

Manumiffion implicita  
ſans cē parol ( Manumitte-  
re ) eſt quant le ſſir fayt vn  
obligation a ſon villeine a  
payer a luy money al vn  
certayne iour, ou luy ſue  
lou il poyt enter ſans ſuite  
ou graunt al ſon villein vn  
annuity, ou leſſa terre a luy  
per fait pur ans, ou pur vie,  
& en diuers tiels ſembla-  
bles caſes, le villeine p ceo  
eſt fait franke.

by the head, ſaying, I wiſſe  
that this man be free, and  
therewith thoued him for-  
ward out of his hands, &  
by this he was free with-  
out moze a do.

Manumiffion implied  
without this word ( Ma-  
numittere ) is when the  
Lōd maketh an obligati-  
on to his villeine to pay  
him money at a certaine  
day, or ſueth him where he  
might enter without ſuit,  
or granteth vnto his vil-  
leine an annuity, or leaſeth  
land to him by decde for  
yeares, or for life, & in di-  
uers ſuch like caſes, & vil-  
leine thereby is made free.

302

Maximes.

Maximes.

MAximes ſont les foun-  
dations del ley, & les  
concluſions de reaſon, &  
ſont cauſes efficient &  
certaine vniuerſall propo-  
ſitions, cy ſure & perfect  
que ils ne poyent eſte a  
aſcun temps impeache ou  
impugne, mes doyent  
touts ſoits eſte obſerue &  
tenus coine fort princi-  
ples & auctorities de  
luy meſme, nient obſtant

MAximes be the founda-  
tions of the laſwe, and  
the concluſions of reaſon,  
and are cauſes efficient,  
and certaine vniuerſall  
propoſitions ſo ſure and  
perfect, that they may not  
be at any time impeached,  
or impugned, but ought  
alwaies to bee obſerved  
& holden as ſtrong princi-  
ples and auctorities of  
themſelues, although  
they

they cannot bee proued by force of argument or demonstrations logical, but are knowen by induction by the way of sence and memorie: As for example, it is a Maxime, that if a man haue issue two sons by diuers women, and the one of them purchase lands in fee, and dyeth without issue, the other brother shall neuer bee his heire &c.

Also it is an other Maxime, that landes shall descend from the father to the sonne, but not from the sonne to the father, for that is an ascension &c. And diuers like there be, wherof see moze in the Doctor and Student.

303 Maynour.

Maynour, is when a theefe hath stolen, and is followed with hue and crye taken, hauing that found about him which he stole, that is called the maynour. And so we commonly vse to say, when we find one doing of an unlawful act, that wee take him with the maynour, or manner.

ils ne poyent esse prouee per force de argument ou demonstration logical, mes sont conus per induction per le voy de sence & memorie: Come pur example, il est vn Maxime, que si vn home ad issue deux fitz per diuers venters, & le vn de eux purchase terres en fee, & morust sans issue, l'auter fitz ne vnques sera son heire &c.

Item il est vn autre maxime, que terres descendra del pere al fits, mes nemy del fits al pere, car ceo est vn ascension &c. Et diuers tiels semblables il y ad, dont veies plus en le Doctor & Student.

Maynour.

Maynour, est quant vn laron ad emblee, & est pursuee cue hue & crye & prise, ayant ceo trouue oue, que luy que il ad emblee, ceo est appell' le maynour. Et issint nous communement vse pur dire quant nous trouuons vn fessant de vn illoyal act, que nous luy prist ouesque le maynour, ou manner.

304 Main-

304 Maintenance.

**M**Aintenance, est lou ascun home done ou deliuer a vn auter que est plaintife ou defendant en ascun action, ascun somme dargent, ou auter chose pur maintenir son plee, ou fait extream labour pur luy quant il nad riens a ceo faire, donques lautre partie greue auera vers luy vn brieve appelle brieve de Maintenance.

Maintenance.

**M**Aintenance, is where any man giueth or deliuereth to an other that is plaintife or defendant in any action, any summe of money, or other thing for to maintain his plee, or else maketh extream labour for him when he hath nothing therewith to doe, then the partie greued shall haue against him a writ called a writ of Maintenance.

305 Mesne.

**M**Esne, est lou le owner del terres ou tenemens ceux teigne de vn per certeine seruices, & il ceux tenoit de vn auter per autiels ou auter seruices, la cestuy que tient les terres est appell' tenat parauaile, & cestuy de q' il teigne est appelle Mesne, & cestuy de que le Mesne tenoit est appelle Seignior paramount. Et en cest case si le Seignior paramount distraine le tenant pur le seruice le Mesne que luy doit acquite al Seignior paramount, donques le tenant auer vn brieve vers le Mesne, que est appell' brieve de

Mesne.

**M**Esne, is where the owner of landes or tenements holdeth of one by certaine seruices, and he holdeth them of an other by like or other seruices, then he which holdeth the lands is called tenat parauaile, and he of whom it is held, is called Mesne, & he of whom the Mesne holdeth, is called chiefe Lord. And in this case if the lord aboute distraineth the tenat for the seruice of the mesne, which ought to acquit him to the lord aboute, then the tenant shal haue a writ against the Mesne, which is called a writ of Mesne

Mefne, & if he come not to Mefne, & fi il ne vient pur acquit le tenant, then the acquit le tenant, donques Mefne fhall lofe the fervice le Mefne perdra le fervice of the tenat, & fhall be foze le tenant, & ferra foriudge indged of his feigniozie, & de fon feigniozie, & le te- the tenant fhall be tenant nant ferra tenant imme- immediate to the chiefe diat al chiefe Seignior, & Lord, and fhall do the same ferra melfmes les fervices fervice and fuites as the & fuites come le Mefne fift Mefne did to the Lord. al Seignior.

306 Mifprifion.

Mifprifion.

Mifprifion, is when one knoweth that an other hath committed Treason or Felonie, & will not difcouer him to the King, or to the Founcell, or to any Magiftrate, but doth conceal the same. Divers other offences be called mifprifion: as when a Chaplein had fixed an old feale of a Patent, to a new patent of Nonrefidence, and this was holden to be Mifprifion of Treason tantum, & nul only, & no counterfaiting of the Kings feale.

Also if a man know money to be counterfeit, and bring the same out of Ireland hyther into England, and utter it in payment, this is but Mifprifion.

Mifprifion, est quant aucun sciet que vn autre ad fait Treason ou Felony, & il ne voile luy discouer al Roy, ou son Councell, ou a aucun Magiftrate, eins conceala son offence. Divers autres offences sont appelle mifprifion: sicome vn Chapleine ad fixe vn auncient seale dun Patent, a vn nouel patent de Nonrefidence, & ceo fuit tenu deffe Mifprifion de Treason tantum, & nul counterfeiter del seale del Roy.

Item, si vn autre sciet money destre faux, & port ceo hors de Ireland en Engleterre, & viter ceo en payment, ceo est forsque Mifprifion

## The Exposition of

sion of Treason, & nemy  
Treason, & ainsi est en di-  
uers tiels semblable cases.

Et en tous cases de Mis-  
prison de Treason, le par-  
tie offendour forfeitera ses  
biens a tous iours, & les  
profites de ses terres pur  
terme de son vie, & son  
corps al prison, al pleasure  
del Roy.

Et pur Misprison de fe-  
lonie ou trespasse, le offen-  
dour serra commit al pri-  
son, tanq; il ad troue suer-  
ties ou pledges pur son  
fine, que serra assesse per  
le discretion de les Justices  
deuant que il soit con-  
uict.

Et nota, que en chescun  
Treason ou Felonie, est  
include misprison, & lou  
ascun ad fait Treason ou  
Felonie, le Roy poit cau-  
ser luy destte endicte &  
arraigne forsque de mis-  
prison solement si il voile.  
Vide plus de ceo Stamford  
lib. i.

sion of Treason, and no  
Treason, and so it is in  
diuers such like cases.

And in all cases of Mis-  
prison of Treason, the  
party offender shall forfeit  
his goods for euer, & the  
profits of his landes for  
terme of his life, & his body  
to prison at the Kinges  
pleasure.

And for Misprison of  
felonie or trespas, the of-  
fendour shall be committed  
to prison, vntill hee haue  
found suerties or pledges  
for his fine, which shall be  
assessed by the discretion of  
the Justices before whom  
he was conuict.

And note, that in euery  
Treason or felonie, is in-  
cluded Misprison, & where  
any hath committed treas-  
on or felonie, the King  
may cause the same to be  
indicted & arraigned but  
of Misprison only if hee  
will. See more hercof  
Stamford lib. i.

307 Monstrance de faits  
ou Recordes.

MONSTRANCE de fait, ou  
Recordes, est, licõe pur  
exemple, vn action de Det

Shewing of deeds  
or Recordes.

SHewing of deeds, or Re-  
cordes, is, as if for ex-  
ample, an action of debt  
be

bee brought against one  
vpon an obligatiō by one,  
or by exccutors &c. there  
after that the plaintiff hath  
declared, he ought to shew  
his obligatiō, & the execu-  
tor the testament to the  
court, & so it is of records.

soit port enuers vn sur vn  
obligation p vn ou per ex-  
ccutors &c. la apres que le  
plaintife ad declare, il doit  
monstre son obligation, &  
le executor le testament al  
Court, & issint est de Re-  
cords.

And the diuersitie be-  
twene shewing of deēdes  
or records, & hearing of  
deēdes or records, is thus,  
he that pleads the deēd or  
record, or declares vpon it  
to him it doth appertain to  
shew the same. And the o-  
ther against whome such  
deēd or record is pleaded,  
or declared, & is thereby to  
be charged may demand  
hearing of the same deēde,  
or record, which his ad-  
uersary bringeth, or plea-  
deth against him.

Et le diuersitie perenter  
monstrance de faits ou re-  
cords, & oier de faits ou re-  
cords, est issint, il q plede  
le fait ou record, ou declaf  
sur ceo, a luy il appertayne  
de monstre ceo. Et l'auter  
vers que tiel fait ou record  
est plede ou declare, & est  
p ceo deste charge, poyt  
demand oyer de ceo fait  
ou record, que son aduer-  
sary port, ou pleade vers  
luy.

308 Mordauncestre.  
Mordauncestre, I take  
for that befoze in the ti-  
tle Cofinage.

Mordauncestre.  
Mordauncestre, vide de  
ceo deuant en le title  
Cofinage.

309 Monstrauerunt.  
Monstrauerunt, is a wozit  
and it lyeth for the te-  
nant sin auintient demesne,  
and is directed vnto the  
lord, him commaunding  
that he distrain not his te-  
nant for to doo other seruice

Monstrauerunt.  
Monstrauerunt, est vn  
briefe, & gist pur le te-  
nant en auintient demesne,  
& est direct al Seigni-  
our, luy commaundant  
que il ne distraine son te-  
nant pur faire auter service  
que

## The Exposition of

que faire ne duisoit, & ils  
poyent auer cest bñe direct  
al vicount, q̄ il ne suffer le  
Sñr a distraire les dits te-  
nants pur faire auter ser-  
uice.

Auxy si les tenaunts ne  
poient este en quiet, ils  
poyent au vn Attachment  
vers le Seignior d'apparer  
deuâr les iustices, & tous  
les nômes des tenants ser-  
ront mise en le bñe, comēt  
q̄ forsq; vn de euz soit greū  
loient.

Auxy si ascun terre en  
ancien demesne soit en  
variance enter les tenants,  
donques le tenant issint  
greue auera vers auter  
brieft quod vocatur Droit  
close secundum consuetu-  
dinem manerii, & ceo ser-  
ra tous foirs port en le  
court le Sñr, & sur ceo il  
countera en le nature de  
quel brieft il voit, come son  
case gist & cest bñe ne serra  
remoue sinon pur graund  
cause ou non power de le  
Court.

Auxy si le Seignior en  
auter lieu hors de aunti-  
ent demesne distraire son  
tenât de faire auter service

that he ought not to doe, &  
they may haue this Writ  
directed to the Sheriffe, that  
hee suffer not the Lord to  
distraire the said tenants  
for to do other service.

Also if the tenants can-  
not be in quiet, they may  
haue an Attachment a-  
gainst the Lord to appar-  
be fore the Justices, and al  
the names of the tenants  
shal be put in that Writte,  
though but one of them be  
grieved onely.

Also if any lands in an-  
tient demesne bee in vari-  
ance between the tenants,  
then the tenant so grieved  
shal haue against the other  
a writ which is called of  
Right close after the custō  
of the manor, and that shal  
bee alway brought in the  
Lords court, and ther eup-  
on he shal declare in þe na-  
ture of what writ he will,  
as his case lieth, and this  
writ shal not bee removed,  
but for a great cause, or no  
power of the Court.

Also if the Lord in an  
other place out of aunti-  
ent demesne distraire his  
tenant to do other service  
then

then he ought, he shal haue  
a writ of right, called Ne  
iniuste vexes, and it is a  
writ of right patent whiche  
shall be tried by battell or  
graund assise.

que il ne doit, il auera brief  
de droit, appelle Ne ini-  
uste vexes, & cest vn brief  
de droyt patent: que serra  
trie per battel ou graund  
assise.

310 Mortgage, or  
Morgage.

Mortgage ou Morgage.

**M**ortgage, or Morgage  
is when a man maketh  
a feoffment to an other  
on such condition, that if  
the feoffor pay to the feof-  
fee at a certayne day xl. li.  
of money, that then the  
feoffor may reenter &c. in  
this case the feoffee is cal-  
led tenant in Mortgage.  
And as a man may make  
a feoffment in fee in mor-  
gage, so hee may make a  
gilt in taile, or a lease for  
terme of life, or for terme  
of yeeres in Mortgage.  
And it seemeth that the  
cause why it is called  
Mortgage, is for that it  
standeth in doubt, whe-  
ther the feoffor will pay  
the money at the day ap-  
pointed or not, and if he  
saile to pay, then the land  
whiche he laid in gage by  
condition of paymēt of the  
money, is gone from him

**M**ortgage, ou Morgage  
est quant vn fait vn  
feoffement a vn autre sur  
tel condition, que si le  
feoffour paya al feoffee a  
certain iour xl. li. d'argent,  
que a donques le feoffour  
poyt reenter &c. en ce  
case le feoffee estappel te-  
nant en Morgage. Et si  
come vn home poit faire  
feoffement en fee en mor-  
gage, ainsi il poyt faire  
done en taile, ou lease  
pur terme de vie, ou pur  
terme dans en Morgage.  
Et il semble que la cause  
pur que il est appel Mort-  
gage, est pur ceo que il  
estoit en auerous, si le  
feoffour voyle payer al  
iour limite le argent ou  
non, & si il ne paya  
pas, donques le terre  
que il mist en gage sur  
condition de payment de  
le money, est ale de luy



## The Exposition of

a tous iours, & issint mort a luy sur condition : mes si il paya le money, donques est le gage mort quant a le tenaunt, cestascavoir, le feoffee, & pur cest cause il est appel en latin, Mortuum vadium, come Maister Littleton dit, ou Mortuum vas, come ie pense.

Auxy si feoffement soyt fait en Morgage sur condition, que si le feoffour paya tiel somme a tiel iour &c. & le feoffor mourust deuant le iour, vncore si l'heire le feoffor paie mesme le somme a mesme le iour al feoffee, & le feoffee ceo refusa, dōques le heire le feoffour poit enter: Mes en tiel case, si ne soit ascun iour de paiement expresse, donques tiel tender del heire est voide, car ceo que quant le feoffor mourust, le temps del tender est passe, ou autrement les heires le feoffor aueront temps del tender a tous iours, que serra inconuenient, que vn auer vn fee simple a luy & a ses heires que serra desefensible tous foirs a le pleasure & volunt de auters,

for euer, & so dead to him vpon condition: but if hee pay the money, then is the gage dead as to the tenant, that is to say, the feoffee, and for this cause it is called in latin, Mortuum vadium, as *Mr. Littleton* saith, or rather Mortuum vas, as I thinke.

Also if a feoffement bee made in Mortgage vpon condition, that if the feffor pay such a summe at such a day &c. and the feffor die before the day, yet if the heire of the feffor pay the same sum at the same day to the feoffee, and the feoffee refuseth it, then the heire of the feffor may enter: But in such a case, if there be no day of payment expresse, then such tender of the heire is void, for that that when the feffor dieth, the time of tender is past, or otherwise his heires of the feffor shall haue time of the tender for euer, which shall be inconuenient, that one shall haue a fee simple to him and to his heires which shall be defensible alwaies at the pleasure & will of others, but

but in þe first case the time of tender was not expyred by the death of the feoffor. mes en le primer case le tēps del tender ne fuit expiesle p la mort le feoffor.

311 Moderata misericordia.

Moderata misericordia, is a writ, and it lyeth where a man is amerced in court Baron, or County, moze then hee ought to be, then he shall haue this writ directed to the Shyriſe if it be in the County, or to the Bailife if it be in the Court Baron, commanding them that they amerce him not, but hauing regard to the quantitie of the trespassse, and if they do not vpon this writ, then shall go forth against them a Sicut alias, and Causam nobis significes, and after that an Attachment.

312 Mortmaine.

Mortmaine, is where Lands is giuen to a house of Religion, or to another company which bee incorpored by the R. grant, then the land is come into Mortmaine, that is to say in English, a dead hand, & then the King, or the Lord of whom the land is hol-

Moderata misericordia.

Moderata misericordia, est vn brieve, & gift lou home est amercie en court Baron, ou County, plus que deuer este, donques il auera cest brieve direct al Vicount si soit en le Countie, ou al Bailife si soit en Court Baron, eux commandant que ils ne luy amerciont, mes eyent regard al quantitie del trespass, & s'ils ne font sur cel brieve, donques issira vers eux vn Sicut alias, & Causam nobis significes, & apres ceo vn Attachment.

Mortmaine.

Mortmain, est lou terres soit dones a vn maison de Religion, ou a vn autre company que sont incorporee par le grant le Roy, donque cest tenr est deuennus en Mortmaine, cest adire en Angloys a dead hand, & donque le Roy ou le Sür de que le terre est tenu  
S. ij. nus

## The Exposition of

nus poit enter, come appier en lestatute de Religiosis, ideo vide lestatute. Auxy si vn fait seoffement sur confidence a certaine persons al oeups de vn meason de Religion, ou al oeups de ascun gild ou fraternitie corporat, donques il serra dit Mortmaine, & il encourge mesme le paine, vt patet per le statute An 15.R.2.

den may enter, as it appeareth by the statute de Religiosis, therefore see the statute. Also if one make a seoffement vpon trust to certaine persons to the vse of a house of Religion, or to the vse of any guild or fraternitie corporate, then it shal be said Mortmain, & then hee shall run in the same pain, as it appeareth by the stat. An 15.R.2.

### 313. Mulier.

**M**ulier, est vn parol vse en nostre ley, mes comme aptment, ideo ne poy dire ne scay bien: Car accordant al pper signification, Mulier est femina corrupta, siccome il est vse per *Vlpianus*, en vn certaine lieu en tiel maner, *Quod si ego me virginem emere putarem cum esset mulier, emptio non valebit. Per ceo ptes veier*, que Mulier est vn feme q ad ew le company dun home: Mes a relinquer le droit signification, Mulier est prise en nostre ley, pur vn que est loyablement engender & nee, & est tous dits vse en comparison ouelq; vn ba-

### Mulier.

**M**ulier, is a word vsed in our law, but how aptly I cannot well learne: for according to the proper signification, Mulier is a defiled woman, like as it is vsed by *Vlpianus* in a certaine place after this sort, *If I thought that I had bought a virgin, & then she was a defiled woman, the bargain was not good. Hereby you may see*, that Mulier is a woman that hath had the company of a man. But to leaue the right signification, Mulier is taken in our Law. for one that is lawfully begotten & borne: and is also waies vsed in comparison with a bastard,

stard, onely to shew a difference betwéene them, as thus for example. A man hath a sonne of a woman before marriage, that is called a bastard, and unlawfulfull. And after hee marieth the mother of the bastard, and they haue another sonne, this second sonne is called Mulier, that is to say lawfull, and shal be heire to his father: but the other cannot bee heyre to any man, because it is not knowne nor certain in the iudgement of the law who was his father, and for that cause is said to be no mans sonne, or the son of the people, and so without father, according to these old verses.

To whom the people father is, to him is father none at all:

To whom the people father is, well fatherlesse we may him call.

And alwayes you shall find this addition to them (Bastard eldest, and Mulier yongest) when they be compared together.

stard, solement par monstre vn difference perenter eux, come par exemple. Vn home ad vn fitz per vn feme deuant mariage, cest issue est appel vn Bastard, & illoyal. Et apres il marry oue le mier del bastard, & ont vn autre fitz, cest second fitz est appel Mulier, cest adire loyall, & serra heire al son pere: mes le autre ne poit este heire al aucun home, pur ceo que il nest conus ne certain en le iudgement del ley que fuit son pere, & pur cest cause est dit, deke nullius filius, ou filius populi, & sint sans pere, accordant al cestuy viele verses.

Cui pater est populus, pater est sibi nullus & omnis:

Cui pater est populus, non habet ipse patrem.

Et tous foits vous trooueres cest addition al eux (Bastard eigne, & Mulier puisne) quant ils sont compare ensemble.

# The Exposition of

314 Murder.

**M**Vrder, est vn voluntarie occider dun home sur malice prepenſe, & ſemble de vener de le Saxon parol Mordren, que iſſint ſignifie. Et Mordridus eſt le Murderer tanque al ceſt iour entſ cux en Saxony, de que nous auomus mults de noſtre parolx, come ad eſtre ſouent dit. Ou poit eſtre deriue de Mort & dire, quaſi mors dira. Vide Stamf, Pleeſ del Corone lib. 1.

Murder.

**M**Vrder, is a wilfull killing of a man vpon malice forethought, and ſeemeth to come of þe Saxon word Mordren, which ſo ſignifieth. And Mordridus is the Murderer euen vntill this day among them in Saxony, from whence we haue moſt of our wordes, as hath bin often ſaid. Or it may be deriued of Mort and dire, as Mors dira. See Stamf, Pleeſ of the Crowne lib. 1.

N.

315 Natiuo habendo.

**N**Atiuo habendo, eſt vn breife, & giſt lou le villeine ou nieſe dun Seigneur eſt ale de luy, donques le Seigneur auera ceſt bſe direct al Vicont, que il face le Seigneur auer ſon villeine ou nieſe oueſq; tous ſes chateux.

Auxy en ceſt breife pluſors villeines ou nieſes ne purront eſte demandes que deux, mes auxy tantſ des villeins ou nieſes q̄ voilent, iointmēt poient porter bſe de Libertate probanda.

N.

Natiuo habendo.

**N**Atiuo habendo, is a writ, and it lieth where the villeine or nieſe of the Lord is gone from him, then the Lord ſhall haue this writ directed to the Shiriſe, that he make the Lord to haue his villeine or nieſ with all his goods.

Alſo in this writ moze villeines or nieſes may not bee demanded then twaine, but as many villeines or nieſes as will, iointly may bring a writ de Libertate probanda.

Also if a villeine oz niese  
bzing his writ De liberta-  
te probanda, befoze that h  
Lord bzing his writ, then  
the villeine plaintife shall  
be in peace till the cōming  
of the Justices, oz els his  
writ shall not helpe him.

Also if a villeine haue  
tarried in an auncient de-  
mesne one yeare and a day  
without claim of the lord,  
then he cannot seise him in  
the said franchise.

316 Ne admittas.

NE admittas, is a writ  
directed to the Bishop  
at the suit of one which is  
patron of any Church, &  
he doubteth that the Bi-  
shop will collate one his  
Clerke, oz admit an other  
Clerke presented by ano-  
ther man to the same be-  
nefice: then hee that doub-  
teth it shall haue this writ  
to forbid the Sherife to  
collate oz admitte any to  
that Church.

317 Non omittas propter  
libertatem.

NON omittas propter li-  
bertatem, is a writ, and  
it lyeth where the Sherife  
returneth vpon a writ to  
him directed, that he hath

Auxy si vn nief port briefe  
De libertate probanda a-  
uant q le Shior port cest  
briefe, donques le villeine  
pl' ou niese serra en peace  
iesque al venue des Justi-  
ces ou autrement son bñe  
ne luy adiera.

Auxy si vn villeine ad  
demurre en auncien de-  
mesne per vn an & vn iour  
sans claime del Seignieur,  
donques il ne poyt luy sei-  
ser deins le dit franchise.

Ne admittas.

NE admittas, est vn briefe  
direct al Euesque al suit  
de vn que est patron de as-  
cun Eglise, & il doubta q  
Leuesque voit collate vn  
son Clerke, ou admit vn  
auter Clerke present per  
aut home al dit benefice:  
donques il que ceo doubta  
auera cest briefe de inhibi-  
rer le Vicount de collater  
ou admitter ascū a son Es-  
glise.

Non omittas propter  
libertatem.

NON omittas propter li-  
bertatem, est vn briefe,  
& gist lou le Vicount  
retourne sur briefe a  
luy direct, que il ad  
Siiiij. maund

## The Exposition of

maund al Bailife de tiel franchise que auer retourne des briefes, & il nad ierue le briefe, adques le plaintife auera cest briefe direct al Vicont, que il luy mesme enter en le franchise & execute le briefe le Roy.

Auxy le Vicont garnera le Bailife que il soyt de uant les Iustices al iour contenu en le briefe, & sil ne vient & luy acquite, donques tous les briefes iudicialles que passeront hors del Court le Roy ourant mesme le plee, seront briefs De non omitas &c. & le Vicont ferra execution de eux pendant cel plee.

sent to the Bailife of such a franchise which hath retorne of writs, & hee hath not serued the writ, then the plaintiff shal haue this writ directed to the Shirefe, that he himselfe enter into the franchise and execute the kings writ.

Also the Sherefe shall swarne the bailife that hee be before the Iustices at the day contained in the writ, & if hee come not, & execute himselfe the all the writs iudicialls which shal passe out of the Kings Court during the same plee, shall be writs De non omitas &c. & the Shirefe shall make execution of them hanging that plee.

318 Negatiua pregnans.

Negatiua pregnans.

**N**Egatiua pregnans, est quauant vn action ou information, ou tiel semblable sure est port enuers vn, & le defendaunt plede en barre del action, ou autrement vn negatiue plee, que nest cy speciall auersure al action, mes que il enclude auxy vn affirmatiue: Come pur

**N**Egatiua pregnans, is when an action or information, or such like is brought against one, & the defendant pleadeth in barre of the action, or otherwise a negatiue plee, which is not so speciall an auersure to the action, but that it includeth also an affirmatiue: As for  
ex

example: If in a Writ of Entre en casu prouiso, brought by him in the reuerſiõ vpon alienation by the tenant for life, ſuppoſing that hee hath aliened in fee (which is a forfei- ture of his eſtate) & the re- ſiſant to the writ ſaith that he hath not aliened in fee, this is a negative, where- in is included an affirma- tive: for although it be true, that he hath not ali- ened in fee, yet it may be that he hath made an eſ- tate in taile (which is alſo a forfei- ture) and then the entrie of him in the reuer- ſion is lawfull &c.

Alſo in a Quare impedit, the King makes title to preſent to a Prebend, for that the temporalties of the Biſhoprick were in his hands by the death of W. late Biſhop &c. The defendaunt ſaith that it was not void beeing the temporalties in the Kings handes by the death of W. this is a Ne- gative pregnã, for it may be in the Kings hands o- therwiſe then by the death of W. and it ſufficeth

example: Si en brieſe de Entre en casu prouiso, port per ceſtuy en le reuerſion ſur alienation per le tenant pur vie, ſuppoſant que il ad alien en fee (que eſt vn forfei- ture de ſon eſtate,) & le tenant al brieſe dir, que il nad alien en fee, ceſt vn negative, en que eſt enclue vn affirma- tive: car nient obſtant il ſoit veray que il nad alien en fee, vncore il poit eſtre que il ad fait vn eſ- tate en taile (le quel eſt auxy vn forfei- ture) & donques le entrie de ce- luy en le reuerſion eſt loy- al &c.

Item en vn Quare im- pedit, le Roy ſiſt title de preſenter a vn Prebend, ratione que les temporal- ties de leueſcherie fue- rent en ſa maines per le mort de W. nuper Epiſcõp &c. Le defendant dit que ne voida pas eſteants les temporalties en les maines del Roy per le mort de W. ceſt vn Ne- gative preignans, car il poit eſtre en les mains del Roy autrement que per le mort de W. & il ſuffiſt  
al



The Exposition of

al Roy si soit en sa maines &c.

Issint est lou vn Information fuit port in Scaccario vers I.S. pur ceo que il achate laines perenter shering temps & Assumption tali anno de I. N. Le defendant dit quod non emit de I. N. come il est alleage &c. ceo est appelle vn Negative preignans, car sil ceo achate de auter, vncore il est culpable pur le achater.

319 Ne iniuste vexes.

NE iniuste vexes, Vide de eco deuant titulo Monstrauerunt.

320 Niese.

Niese, est vn feme que est bonde, ou vn vileine feme, mes si el marie vn franke home, el est per ceo fait franke, pur ceo que el & sa baron sont forsque vn person en ley, & el couient estre de mesme le nature & condition en ley a tous entents come sa baron. Mes sa baron est franke a tous entents sans ascun condition en ley, ou auterment: & issint per consequens, le feme couient

the king if it be in his hands by any meanes &c.

So it is where an Information was brought in the Eschequer against J. S. for he bought wool betweene shering time & the assumption such a pere of J. N. The defendant saith that he did not buy any of J. N. as it is alleaged &c. this is called a negative preignans, for if he bought it of any other, yet he is culpable for buying.

Ne iniuste vexes.

NE iniuste vexes, I take therefore before in the title Monstrauerunt.

Niese.

Niese, is a woman that is bond, or a villeine woman, but if shee marie a free man, shee is thereby made free, because that she and her husband are but one person in lawe, and shee ought to be of the same nature and condition in lawe to all intents that her husband is. But her husband is free to all intents without any condition in lawe, or otherwise: and so by consequens the wife ought to

to be, and is free according to the nature of her free husband, & then if she were once free & cleerly discharged of bondage to all intents, shee cannot be niese after without especiall act done by her, as diuorce, or confession in court of record, and that is in fauour of libertie, and therefore a free woman shall not be bound by taking of a villeine to her husband: But their issue shall be villeins as their father was, which is contrary to the Ciuil law, for there it is said, The birth followeth the belly.

Bondage or Villenage had beginning among the Hebrewes, & his original proceeding of Chanaan the son of Cham, who because that he had mocked his father Noe to scorn, lying dissolutely when he was drunk, was punished in hys sonne Chanaan with penalty of bondage.

321 Nihil dicit.

Nihil dicit, is when an action is brought against a man, & the defendant appeares, the plaintiffe declares, & the defend-

estre, & est frank accordant al nature de son frank baron, & donques si el soit vn foits frank & clerement discharge de villenage a tous entents, el ne poit estre niese apres sans especial act fait per luy, come diuorce, ou conusans en court de record, & ceo est en fauor de libertie, & pur ceo vn frank feme ne serra villeine per prisel del villeine a sa baron: Mais leur issue serra villeines, come leur pere fuit, que est contrarie a le ley Ciuil, car la est dit, Partus sequitur ventrem.

Bondage ou villenage ad son commencement enter les Hebrewes, & son originall proceeding de Chanaan le fiz de Cham, que pur ceo que il auoit derise son pere Noe gisant dissolument quant il fuit ebie, fuit punie en son fies Chanaan ouesque penaltie de bondage.

Nihil dicit.

Nihil dicit, est quant vn action est port enuers vn home, & le defendant appeare, le plaintiffe declare, & le defend-

dant

# The Exposition of

dant ne voile responder,  
ou plede al action, & ne  
maintaine son plee, mes  
fait default, ore sur cest  
default, il serra condemne,  
quia nihil dicit.

dant will not answer, or  
pleades to the action, and  
doth not maintaine his  
plee, but makes default,  
now vpon this default, he  
shal be condemned, because  
he saith nothing.

## 322 Nisi prius.

**N**isi prius, est vn brieft  
iudicial, & gist quant  
lenquest est empanell' &  
retourne deuant les Iusti-  
ces en banke, donques le  
plaintife ou defendant poit  
auer cest brieft direct al  
Vicont, luy commandant  
que il face vener la En-  
quest deuant les Iustices  
en mesme le countie a lour  
vener la destre determine,  
& ceo pur casement del  
Enquest.

## Nisi prius.

**N**isi prius, is a writ iudi-  
cial, and lyeth when an  
Enquest is impanelled &  
retourned befoze the Ju-  
stices in the Bench, then  
the plaintife or defendant  
may haue this writ dire-  
cted to the Shirefe, him  
commanding that he cause  
the enquest to come befoze  
the Justices in the same coun-  
tie, at their comming to be  
determined, & that for the  
easing of the Enquest.

## 323 Nomination.

**N**omination, est lou vn  
poit en droit de son  
Manour, ou auterment,  
nominate & appoint vn  
able Clerke ou home al  
vn Parsonage, Vicarage,  
ou tiel spirituall promo-  
tion. Et nota que cest no-  
mination doit estre al au-  
ter que lordinary, que au-  
ter luy presentera al Ordina-  
ry.

## Nomination.

**N**omination, is where  
one may in right of his  
Manour, or other wise,  
nominate and appoint a  
worthy Clerke or man to  
a Parsonage, Vicarage,  
or such like spirituall pro-  
motion. And note that this  
nomination ought to be to  
another then the ordinary,  
which other shall present  
him to the Ordinary.

324 Nonabilitie.

**N**Onabilitie, is where an action is brought against one, & the defendant saith that the plaintife is not able to sue an action, & demaundeth iudgement if he shalbe answered. There are sixe causes of Nonabilitie in the plaintif, as if he be an outlaw, or an alien bozne (but that disabilitie is in actions reals & mixt onely, and not in actions personals, except he bee an alien enemy) or condemned in Premunire, or professed into an Abbey, Priorie, or Frierie, or excommunicat, or a villeine, and sueth his Lord: but this last is no plee for an other that is not Lord to the villeine. See more hereof in Littl. lib. 2, cap. 11.

Nonabilitie.

**N**Onabilitie, est lou vn action est port vers vn, & le defendant dit que le plaintife est non able de suer aucun action, & demande iudgement sil terra responde. Il y ad vi. causes de Nonabilitie en le plaintife, come sil soit vlage, ou vn alien nee (mes cest disabilitie est en actions reals & mixt solement, & non en actions personals, sinon que il soit vn alien enemy) ou condempne en Premunire, ou professe en vn Abbey, Priorie, ou Frierie, ou excommenge, ou vn villeine, & sue son Seignior: mes cest darreine nest plee pur auter que nest Seignior al villeine. Vide plus de ceo Littlet. lib. 2, cap. 11.

325 Bare, or naked Contract.

Nude Contract.

**B**are Contract, or naked promise, is where a man bargaineth or selleth his lands, or goods, or promisseth to give to one money, or a horse, or to buyd a house, or do such a thing at such a day, and there is

**N**Vde Contract, ou nude promise, est lou vn home bargain ou vende ses terres, ou biens, ou promise pur doner al autr money, ou vn cheual, ou a edifier vn meason, ou faire tiel chose a tiel iour, & la est nul

## The Exposition of

nul recompence appoint  
a luy pur le faire de ceo :  
Comes l'un dit al autre, ieo  
vend ou done a vous tous  
mes terres ou byens, & la  
est nul chose appoint, as-  
signe, ou agree que l'auter  
donera, ou payera pur ceo,  
issint que il nad quid pro  
quo, cest vn nude contract,  
& voide en ley, & per  
non performance de ceo  
nul action gist, car, Ex  
nudo pacto non oritur  
actio.

no recompence appointed  
to him for the doing there-  
of: As if one say to an  
other, I sell or giue to you  
all my lands or goods, and  
there is nothing appoin-  
ted, assigned, or agreed  
vpon what the other shall  
giue or pay for it, so that  
there is not one thing for  
an other, this is a naked  
contract, and void in law,  
and for not performance  
thereof no action lyeth, for  
of a naked contract com-  
meth no action.

326 Nuisances.

Nuisances, est lou ascun  
home leuie ascun mure,  
ou estoppe ascun eue, ou  
fait ascun chose sur son  
terre demesne a noyance  
son procheine, cestuy que  
est greue auera ent vn  
brieft appel Assise de Nu-  
sances. Auxy si il que fist le  
nuisances alien la terre a vn  
auter, donques cest brieft  
serra port enuers ambi-  
deux, come appiert per le  
statute Westm 2, cap. 24.

Nuisances.

Nuisances, is where any  
man leuieth any wall,  
or stoppeth any water, or  
doth any thing vpon his  
owne ground to the un-  
lawfull hurt & annoyance  
of his neighbor, he that is  
griued may haue thereof  
an Assise of Nuisances. And  
if he that make the nuisances  
alien the land to an other,  
then this writt shall bee  
brought against the both,  
as it appeareth by the sta-  
tute westm 2, cap 24.

327 Nuper obiit.

Nuper obiit, est vn brieft,  
& gist lou vn ad plu-  
sours heires, cest alcauoir,

Nuper obiit.

Nuper obiit, is a writt, &  
it lyeth where one hath  
many heires, that is to say,  
many

many daughters, or many  
sonnes, if it be in Gaue-  
kind in Kent, and dyeth  
seised, & one heire entereth  
into all the land, then the  
other that hee holdeth out,  
shal haue this writ against  
the coheire that is in. But  
a writ of Rationabili parte  
lyeth in such case where  
the auncestour was once  
seised, and dyed not seised  
of the possession, but in  
reuerfion.

plusors fies, ou plusors  
fites, si soit en Gauekind  
en Kent, & deuie seisie, &  
vn heire entra en tout la  
terre, donques les auters  
que sont tenus de hors, a-  
ueront cest brieve vers le  
coheire que est deins. Mes  
brieve de Rationabili parte  
gist en tiel case ou launce-  
stour fuit vn foits seisie, &  
ne morut seisie de pos-  
session, mes de reuer-  
fion.

O.

328 Oredelfe.

O Redelfe, is where one  
claimes to haue the  
Ore that is found in his  
soyle or ground.

329 Outfangthiefe.

O Vsfangthiefe, that is,  
that theues or felons  
of your land, or for, out of  
your land, or for, taken  
with Felonie or stealing,  
shall be brought back to  
your court, & there iudged.

330 Oweltie.

O Weltie, is when there  
is Lord, Mesne, and  
tenant, and the tenant hol-  
deth of the Mesne by the  
same seruice that the  
Mesne holdeth ouer of the

O.

Oredelfe:

O Redelfe, est lou vn  
claime de auer le Ore  
que est troue en son soyle  
ou terre.

Outfangthiefe.

O Vsfangthiefe, hoc est  
quod latrones de terra  
vestra, vel feodo vestro,  
extra terrā vestrā, vel feo-  
dum vestrū capti cū latro-  
cinio, ad curiā vestrā reuer-  
tantur, & ibidē iudicentur.

Oweltie.

O Weltie, est quant il y  
ad Seignieur, Mesne,  
& tenaunt, & le tenaunt  
tient del Mesne per mes-  
me les seruices que le  
Mesne tient ouster de le  
Seig-

## The Exposition of

Seignior paramount: come  
si le tenant tient del Meſne  
per homage, fealtie, &  
xx.s. de rent annuelmeor,  
& le Meſne tient ouſter de  
le Seignior paramount per  
homage, fealtie, & xx. s.  
rent auxy, ceſt eſt appelle  
O. veltie de ſeruices.

331 Oier de Recordes  
& Faits &c.

Oier de records & faits,  
eſt, ſicome pur exam-  
ple: vn action de det ſoit  
port enuers vn home ſur  
vn obligation, & le defen-  
dant appeare al action, &  
donques prie que il poit  
oier le obligation oaeſ-  
que que le plaintife charge  
luy.

Iſſint eſt quant execu-  
tors port vn action de der,  
& le defendant demaunde  
oier del Teſtament, ſur  
ceſt demaunde il ſerra lye  
al defendant: Mes ſi ſoit  
en vn auer terme, ou a-  
pres que le defendant ad  
imparle, donques il na-  
uera le oier. Et iſſint come  
eſt dit de Faits, eſt deſte  
entende de Recorde que  
ſont alleage enuers luy.  
Veies le title Monſtrance  
de faits.

Lord aboue him. As if he  
tenant hold of the Meſne  
by homage, fealtie, and  
xx. s. of rent peerely, & the  
Meſne holdeth ouer of the  
Lord aboue by homage,  
fealtie, & xx. ſhillings rent  
alſo, this is called O. veltie  
of ſeruices.

Hearing of Recordes  
and deedes &c.

Hearing of Records and  
deedes, is as for exam-  
ple: an action of det be  
brought againſt a man  
vpon an obligation, & the  
defendant appeares to the  
action, and then prayeth  
that he may heare the ob-  
ligation wherewith the  
plaintife chargeth him.

So it is when as execu-  
tors bzings an action of  
debt, & the defendant de-  
mandeth to hear the teſta-  
ment, vpon this demaund  
it ſhalbe read vnto the de-  
fendant: But if it be in an  
other terme, or after that  
the def. hath imparled, the  
he ſhall not heare it. And  
ſo as is ſaid of Words, is  
to be vnderſtoode of Re-  
cordes that are alleaged a-  
gainſt him. See the title  
Shewing of deedes.

332 Oier

332 Oyer & terminer

Oier & Terminer, is a word called in Latin, de Audiēdo & terminando, and it iſſueth where any great or ſodain inſurrection is made, or any other ſodaine treſpas which requireth haſtie reſormatiō, then the King ſhall direct a commiſſion to certaine men & Juſtices to heare & to determine the ſame.

Note that the Juſtices of Aſſiſe haue alſo one Commiſſion of Oier & determiner, directed to them, and diuers other inhabitants within the Shires, wherunto their circuite extendeth, wherof ech one of the Juſtices of Aſſiſe are of the Quorum, for the hearing and determining of diuers offences, which may happen in their circuite, which without the commiſſion they could not.

Oier & Terminer.

Oier & terminer, eſt bre appel en Latine de Audiendo & Terminando, & giſt quant alcun graund ou ſodain inſurrection eſt fait, ou alcun auter ſodain trāgreſſiō q̄ requiſt haſty reſormation, dōques le Roy directera vn commiſſion a certaine gents & Juſtices de audiendo & terminando

Nota que les Juſtices de Aſſiſe ont vn commiſſion de Oier & determiner, direct al eux, & diuers auters inhabitants deins les cōſtantes, as queux leur circuite extende, dont cheſcun de les Juſtices de Aſſiſe ſont del Quorum, pur le meulx Oier & determiner de diuers offences queux poient auener en leur circuites, quel, ſans cel commiſſion, eux ne poyent faire.

P.

Pape.

333 PApe, is an auncient name faiſly arrogated, or proudly vſurped by the Biſhop of the onely City of Rome in Italy, and is

P.

Pape.

PApe, eſt vn auncient noſme fauxement arrogate, ou haultement vſurpe p̄ le Eueſq; de le ſole Citie de Rome en Italy, & eſt

T

com-



## The Exposition of

communement appelle en Anglois le Pope, vn nosme verameēt mult frequent en nostre auncient annels liuers, specialmēt en les tēps de ceux Royes, q̄ux grandement abandonāts leur imperial aucthority, & abasants eux mesmes mult debaise leur estate, ne fuer honte de suffer vn alien & ourlandish Euesq; que inhabite ouster mille & cinquē cent myles de eux, de estre Soueraigne de hault eux en leur dominions demesne, & de toller de eux non solemēt le disposition de certain petite trifles de nul account, mes auxy le nomination de Archeuesques, Euesques, Abbots, Deans, Prouostes, appropriatiōs de benefices, presentations al parsonages, vicarages, & generalment de tous spirituall persons a leur preferments, ascun temps per laps, & ascun temps per prouision, ou autrement, per que le Prerogatiue del Royes fuit mult abridge deins leur Realmes demesne. Pur le repressiōn de quel diuers Statutes

commonly Englished the Pope, a name truely much frequent in our auncient yeare booke, specially in the times of those Kinges, who too much abandoning their Imperiall auctoritie, and abasing themselves farre beneath their estate, were not ashamed to suffer an alien, and an outlandish Bishop, that dwelt aboute xv. hundred miles from them, to bee Soueraigne ouer them in their owne dominions, and to take from them not onely the disposition of certain small trifles of none account, but also the nominations of Archbishops, Bishops, Abbots, Deanes, Prouostes, appropriations of benefices, presentations to Parsonages, Vicarages, and generally of all spirituall persons to their preferments, sometimes by laps, & sometimes by prouision, or otherwise, wherby the kings princely prerogatiue was very much abridged within their owne realmes. For the repressiōn wherof diuers statutes were

were made, but no sufficient  
remedy until King H.  
the 8. did cast off their yoke  
for him and his subiects.

334 Per que seruitia.

**L**ooke therfore after-  
ward in the title Quid  
iuris clamat.

235 Parceners.

**P**arceners, are according  
to the course of the com-  
mon Law, & according to  
the custome. Parceners  
law, are where one seised  
of an estate of inheritance  
of tenements hath no issue  
but daughters, & dyeth, &  
the tenements descend to  
the daughters, the they be  
called Parceners, and are  
but as one heir. The same  
law is, if he haue not any  
issue, and that his sisters  
should be his heirs. But if  
aman hath but one daugh-  
ter, shee is not called par-  
cener, but shee is called the  
daughter & heir. And if  
there be no daughters nor  
sisters, the land shal descend  
to his aunts, & they be called  
parceners. Also when lands  
descend to diuers Parce-  
ners, they may make par-  
tition betwixen themselves

ont esté fait, mes nul suffi-  
cient remedy tanq Roy H.  
l' 8. tout ousterunt reiect cel  
iuge del luy & ses subiects.

Per que seruitia.

**V**ide de ceo apres titulo  
Quid iuris clamat.

Parceners.

**P**arceners, sont solonque  
le cours de Common  
law, & solonque le cu-  
stome. Parceners solon-  
que le common ley sont  
lou vn seise dun estate de  
tenemens des tenemens  
ad issue forsque files & de-  
uie, & les tenemens des-  
cendent a les files, don-  
ques ils sont appellé Par-  
ceners, & sont forsque vn  
heire. Mesme le ley est, si  
neye aucun issue, & que  
ses soers serroyent les  
heires. Mes si home ad  
forsque vn file, el nest dit  
parcener, mes el est dit la  
file & la heire. Et si ne sont  
files ne soers, les terres  
descenderont a les Aunts,  
& els sont appels Parce-  
ners. Auxy quaut ter-  
res descendent a diuers  
parceners, els poyent  
faire partition enter eux  
per

T. ij.

## The Exposition of

per agreement, mes si aucun de eux ne voient faire partition, dunque l'autre ou les autres aueront vn briefe de Participacione facienda direct al Viconte, que ferra partition entre eux per le serement de xij. loyals homes de la baillywike. Auxy partition per agreement poit estre fait per le ley, auxibien per parol sans fait come per fait. Et si sont de plein age, le partition tous iours demurrera, & ne ferra vnques defete. Mes si les terres sont a eux en le taile, & coment que ils sont concludes durant leur vies, vncore le issue cestuy que ad le meinder part en value poit disagree a le partition, & enter & occuper en common ouesque l'autre part. Et auxy si les barons des parceners font partition, quant le baron deue, la feme poit disagree a la partition. Auxy si le parcener que est deins age fait partition, quant el vient a son pleine age, el poit disagree. Mes el conient byen garder quant el vient a son pleine

by agreement, but if any of them will not make partition, then the other or the others shal haue a writ de Participacione facienda directed to the shirife, who shal make partition betwene them by the oth of xij. lawfull men of the baillywike. Also partition by agreement may be made by the law, aswell by word without deed as by deed. And if they be of full age, the partition shal remain for euer, & shal not at any time be defeted. But if the lāds be to them in the taile, & though that they are concluded during their lines, yet the issue of him which hath the lesser part in value, may disagree from the partition, & enter & occupie in common with the other part. And also if the husbands of the parceners make partition, when the husband dyeth, the wyfe may disagree from the partition. Also if the parcener which is within age maketh partition, when she cometh to full age, she may disagree. But she must take good heed when she cometh to her full age

age, that she take not all the profits to her own use of the lands which were to her allotted, for then shee agrath to the partition, and the age shall alway be intended the age of xxj. yeares.

Also if there be diuers parceners that haue made partition between them, & one of their parts be recovered by lawfull title, then shee shall compell the other to make a new partition.

Also they are parceners according to custome, where a man is seised of lands in Gavelkind, as in Kent, & in other places franchised, and hath issue diuers sonnes, and die, then the sonnes are parceners by custome.

336 Partition.

Partition, is a diuiding of landes descended by the common Law, or by Custome among coheires or parceners, where there be two at the least, whether they be sons, daughters, sisters, aunts, or otherwise of kin to the ancestor from whom the land descended to them.

age, que el ne preigne tous les profits a son use de- meine des terres que fueront a luy alloites, car donques el loy agree a le partition, & le pleine age serra tous foits entende al age de xxj. ans.

Auxy si sont diuers Parceners que ont fait partition enter eux, & le part de vn soit recouer vers luy per title loyal, donques el compellera les auters de faire nouel partition.

Auxy ils sont Parceners selonque le custome, lou home est seisie de terres en Gavelkind, come en Kent, & auters lieux franchises, & ad issue diuers fites & deuie, donques les fites sont Parceners per le custome.

Partition.

Partition, est vn diuision de terres descendus per le common ley, ou per Custome perenter coheires ou parceners, ou ils sont deux al meines, soyent ils fites, filles, soers, aunes, ou autrement de kinne al auncestour de que le terre discende al eux.

T. iij.

Et

## The Exposition of

Et cest partition est fait  
quatuor voies pur le plus  
part, de que trois sont  
al pleasure & per agree-  
ment perenter eux, le quart  
est per compulsion.

Vn partition per agree-  
ment est quant ils mesmes  
deuide le terre equalment  
en tantes partez come la  
sont de eux coparceners,  
& chescun de eslier vn  
share, ou part, le eigne pri-  
merment, & issint lun a-  
pres l'autre, come ilz sont  
de age, sinon que le eigne  
per consent fait le parti-  
tion, donquez le election  
appertient al prochieine, &  
issint al eigne darreinment  
accordant come il est dit:  
Cuius est partitio, alterius  
est electio.

Vn autre partition per  
agreement est, quant ils  
eslient certaine de leur a-  
mies de faire diuision pur  
eux.

Le tierce partition per  
agreement est, per trahenz  
de lorz, issint: Primerment  
de deuide le terre en tantes  
dez partez come la sont  
parceners, donqz a scribe

And this partition is  
made foure waies for the  
most part, whereof three  
are at pleasure and by  
agreement among them,  
the fourth is by compul-  
sion.

One partition by agree-  
ment is when they them-  
selues deuide the land e-  
qually into so many parts  
as there be of them copar-  
ceners, and each to chuse  
one share, or part, the el-  
dest first, and so the one  
after the other, as they be  
of age, except that the el-  
dest by consent made the  
partition, then the choise  
belongeth to the next, and  
so to the eldest last, accor-  
ding as it is said: Who so  
maketh the partition, the  
other must haue the choise.

An other partition by  
agreement is, when they  
chuse certaine of their  
friendes to make diuision  
for them.

The third partition by  
agreement is, by drawing  
of Lots, thus: First to  
deuide the Land into so  
many partes as there be  
parceners, then to write  
euery

every part severally in a chescun part severallment  
 little scroll or peece of pa en vn petit scroll ou peece  
 per or parchment, & to put de paper ou parchment, &  
 the same scroll by close in de mitter ceux scrolls close  
 to a hat, or cappe, or other en vn hat, cap, ou auter tiel  
 such like thing, & then each semblable chose, & don-  
 parcener, one after an ques chescun parcener, vn  
 other as they be of age, to apres auter come ils sont  
 draw out thereof one peece de age a traher hors de  
 or scroll wherein is writ ceo vn peece ou scrol en q  
 tē a part of the land, which est escript vn part del terre,  
 by this drawing is now que per cest trahens est ore  
 severally allotted unto the feneralint allotte al eux en  
 in fee simple. fee si nple.

The fourth partition Le quart partition que ē  
 which is by compulsion, is per compulsion, est lou vn  
 whē one or some of the co ou ascun de les coparcens  
 parceners would haue voylent auer partition, &  
 partition, and othersome auters ne voylent agreer a  
 will not agreē therto, then ceo, donque ceux q issint  
 they that so would haue voylent auer partition poi-  
 partitiō may bring a writ ent porter vn brief de Par-  
 De partitione faciēda a titiōne faciēda enuers les  
 gainst the others that auters queux ne voylent  
 would not make partiti- fayre partition, per vertue  
 on, by vertue whereof they de quel ils serront com-  
 shall bee compelled to de pel de departer &c.  
 part &c.

In Kent where the En Kent lou les ter-  
 landes are of Gavelkinde res sont de Gavelkinde  
 nature, they call at this nature, ils appel a cest  
 day their partition Shif- iour leur partition Shif-  
 ting, even the very same ring, il mesme parol que  
 worde that the Saxons les Saxons vse, nosme-  
 bled, namely Shifcan, ment Shifcan, que fig-  
 which signifieth to make nise pur fayre partition

# The Exposition of

perenter coheirs, & pur as- between coheirs partitiō,  
signer a chescun de eux & to assigne to ech of them  
leur portion. In Latine est their portiō, In latin it is  
appel Herciscere. called Herciscere.

Partition auxy poit est Partition also may be  
fait per ioyntenants ou te- made by Joyn tenants oz  
nants en common per leur tenants in comunō by their  
assent, per fait enter eux, ou assent, by dēde betwēne  
per bīc per les statutes de them, oz by wīt by the  
31. H. 8. cap. 1. & 32. H. 8. statutes of 31. H. 8. ca. 1. et  
32. H. 8. ca. 32.

337 Parties.

Parties.

Parties al fū ou fait, sont Parties to a fine oz dēd,  
ceux queux sont nosmes are those which are na-  
en faits ou fines come par- med in dēdes oz fines as  
ties a ceo, come ceux qūx parties to it, as those that  
leuyle fine, & auxy ils a leuie the same fine, & also  
que le fine est leuy. Et ils they to whome the fine is  
q font vn fait de fessēnt, & leuied. And they that make  
ils a que il est fait sont a dēd of feoffment, & they  
appelles parties al fait, & to whom it is made, are  
issint en auters semblables called parties to the dēd,  
cases, and so in any other like  
cases,

Nota que si vn Inden- Note that if an Inden-  
ture soyt fait enter deux ture be made betwēntwo  
come pties a ceo en le cō- as parties thereto in the  
mencēnt, & en le fayt vn beginning, & in the dēde  
de eux graunta ou leffa vn one of them graunteth oz  
chose al vn auter que nest letteth a thing to another,  
nosme en le commence- that is not named in the  
ment, il nest party al beginning, he is not party  
fait, ne prendra riens per to the dēd, nor shall take  
ceo. any thing thereby.

338

Patron.

**P**ATRON, is he that hath the aduowson of a parsonage, vicarage, freechapell, or such like spirituall promotion belonging to his manor, or otherwise in grosse, and thereby may or ought to giue the same benefice, or present thereto, when and as often as it falleth void. And this being patron or patronage had beginning for the most part by one of these three wayes, namely, either by reason of the foundation, for that the Patron or his auncestors, or those from whom hee claimes were founders or buylders of the church, or by reason of donation, for that they did endow or giue lands to the same for maintenance thereof, or els by reason of the ground, because the Church was set or buylded vpon their soyle or ground: And many times by reason of the all three.

339

Perquisites.

**P**ERQUISITES, are aduantages and profits that come to a manor by casualtie, and not yearly,

Patron.

**P**ATRON, est celuy que ad le aduowson de vn parsonage, vicarage, frank chappel, ou tels semblable spirituall promotions appertient a son manor, ou autrement en grosse, & per ceo poit ou doit donner mesme le benefice, ou present a ceo, quant & cy tost que il deuiet voide. Et cest esteant Patron ou patronage ad commencement pur le plus part per vn de ceux trois voies, nolinement ou racione foundationis, pur ceo que le Patron ou ses auncestours, ou ceux de que il claime fueront founders ou edifiers de le Eglise, ou racione dotationis, pur ceo que ils endow ou done terres al ceo pur maintenance, ou autrement racione fundi, pur ceo que le Eglise fuit mis ou edifie sur leur soyle ou terre: Et diuers temps per reason de ils tous trois.

Perquisites.

**P**ERQUISITES, sont aduantages & profits queux vient al vn manor per casualtie, & non annuellement, come



# The Exposition of

come Escheates, Hariots, as Escheats, Hariots, res-  
 Reliefs, waifes, estrayes, liefs, waifs, estrayes, for-  
 forfeitures, amerciements, seitures, amerciements in  
 en courts, gardes, marriages, courts, wards, marriages,  
 ges, biens & tres purchase, goods and lands purcha-  
 per villeins de m le manor, sed by bulletins of the same  
 fines del copiholds, & dius manoz, fines of coptholds,  
 semblable choses queux & diuers such like thinges  
 ne sont certaine mes hap- that are not certaine but  
 pen per chance, ascun tēps happen by chaunce, some-  
 puis often que a autre times more often then at  
 temps. Vide Perkins fol. other times. See Perkins  
 20. & 21. fol. 10. & 21.

## 340 Perambulatione facienda.

PERambulatione facienda  
 est vn bñe, & gift lou ij.  
 seigniories gisont vn pres  
 l'auter, & ascun encrochme  
 est fait per long temps, dō-  
 ques per assent de ambi-  
 deux Seigniors, le Vicount  
 prendra ouesque luy les  
 parties & les vicines, & fer-  
 ront perambulation, & fer-  
 ront les metes come il's su-  
 eront adeuant. Mes si vn  
 Seignior encroche sur l'auter,  
 & il ne voile faire per-  
 ambulation, donques le  
 Seignior issint greueue au-  
 ra briefe vers l'auter, que  
 est appelle de Rationabili-  
 bus diuifis.

## Perambulatione. facienda.

PERambulatione facienda  
 is a Writ, and it lyeth  
 where two Lordships lye  
 one nigh another, & some  
 encroachment is made by  
 long time, then by assent  
 of both Lordes, the She-  
 rife shall take with him  
 the parties & the neygh-  
 bors, and shall make perā-  
 bulation, & shall make the  
 boundes as they were be-  
 fore But if a lord inroch  
 upon another, & he wil not  
 make perambulation, then  
 the Lord so greened shall  
 haue a writ against the o-  
 ther, which is called de  
 Rationabilibus diuifis.

341 Petit Cape.

**P**etit Cape, is a writ, and it lyeth when any action real, that is to say, of plee of land is brought, and the tenant appeareth, and afterwards maketh default, then this writ of Petite Cape shall go forth to seise the lands into the Kings hands: But if he appeare not, but maketh default at the first summons, then a Graund cape shall go forth, and for such default the tenant shal lose the land, but if he wage his law or non summons, he shall saue his default, and then hee may pled with the demandant. And in Graund cape the tenant shall be summones to answer to the default, and farther to the demandant: But in Petit cape he shall be summones to answer to the default onely, and not to the demandant. And it is called Petit cape for that that there is lesse in this writ then in the other.

342 Petit Sericantie.

**T**o hold by Petit Sericantie is as if a man hold of the king lands or tenements, yielding to him a

Petit Cape.

**P**etit Cape est vn briefe, & gist quant aucun action real, s. de plee de terre est port, & le tenant appeare, & puis fait default, donques issera cest briefe de petit Cape de seiser les terres en maine le Roy: Mes sil ne appera, mes fait default al primer summons, donques issera vn Graund cape, & pur tiel default le tenant perdra la terre, mes sil gage son ley de non summons, il sauera son default, & donques il poyt pleade ouesque le demandant. Et en Graund cape le tenant serra summon pur responder al default, & ouster al demandaunt: Mes en Petit Cape il serra summon pur responder al default seulement, & nemy al demandant. Et est appelle Petit cape, pur ceo que il ad minus en cel briefe, que en l'auter.

Petit Sericantie.

**T**ener per Petit Sericantie est sicome vn home tient de Roy terres ou tenements, rendant a luy vn cuttel,

# The Exposition of

cutile, vn escue, vn sette, knife, a buckler, an arrowe,  
vn arcke sans corde, ou a bow without string, oz  
auter semble service, a la other like service, at the  
volunt le primer seoffour, will of the first seoffor, and  
et la nappent garde, ma- there belongeth not ward,  
riage, ne reliefe. Et nota mariage, ne reliefe. And  
que home ne poit tener marke well that a man  
per graund Sericantie, ne may not hold by graund  
per petite Sericantie, sinon noz petite Sericantie, but  
del Roy. of the King.

343 Plaintife.

PLaintife, est celuy q sue  
ou cōplaine en vn Affise,  
ou en vn action personall,  
come en vn action de det,  
trespas, disceit, & detinue,  
& tiels semblables.

344 Pleading.

PLeading, sont appellees  
touts actes del parties  
al suits apres le count ou  
declaration, nosmement  
ceo que est contene en  
le barre, replication, &  
rejoinder, & non ceo  
contene en le count mes-  
me, & pur ceo defaults  
en le matter del count, ne  
sont comprise deins mis-  
pleading, ou insufficient  
pleading, ne sont remedy  
per le statute de Jeofailes,  
32. H. 8. Mes solement  
ceo mispleading, ou in-  
sufficient pleading, com-  
mit en le barre, replica-

Plaintife.

PLaintife, is he that sueth  
oz complaineth in an af-  
fise, oz in an action perso-  
nal, as in an action of det,  
trespas, deceit, detinue, &  
such other.

Pleading.

PLeading, be called all  
the sayings of the par-  
ties to suits after the count  
oz declaration, namely  
that which is contained  
in the barre, replication,  
and rejoinder, & not that  
contained in the count it  
selfe, and therfore defaults  
in the matter of the count  
are not comprised with in  
mispleading, oz insuffi-  
cient pleading, noz are reme-  
died by the statute of Jeof-  
failes, 32. H. 8. But onely  
that mispleading, oz insuf-  
ficient pleading, commit-  
ted in the barre, replica-  
tion,

tion, and reioinder, are there prouided for.

<sup>345</sup> Post disseisin. Post disseisin, I take for that befoze in the title Affise.

<sup>346</sup> Possession. Possession, is said two wayes, either actuell possession, or possession in law.

Actuell possession, is when a man entreth in dede into landes or tenements to him discended, or otherwise.

Possession in law, is when lands or tenements are discended to a man, and he hath not as yet really, actually, and in dede entred into them: And it is called possession in law, because that in the eye, and consideration of the law, he is deemed to be in possession, for asmuch as he is tenant to euery mans action that will sue concerning the same landes or tenements.

tion, & reioinder, sont la prouide.

Post disseisin. Post disseisin, Vide de ceo deuant en le title Affise.

Possession. Possession, est dit deux voies, ou actuell possession, ou possession en ley.

Actuell possession, est quant vn home enter en fait en terres ou tenements a luy discende, ou auterment.

Possession en ley, est quant terres ou tenements sont discende al vn home, & il nad vncore realment, actualment, & en fait enter en eux: Et il est appelle possession en ley, par ceo que le oiel, & consideration del ley, il est pense destre en possession, entant que il est tenant a chescun action que aucun voit suer concernant mesmes les terres ou tenements.

<sup>347</sup> Poundes.

Poundes, are in ij. sorts, the one Pound open, the other Pound close.

Poundes.

Poundes, sont en deux sorts, lun Pound ouert, le autre Pound close.

Pound

## The Exposition of

**Pound ouert**, est chescun lieu en que vn distresse est mis, soit ceo common pound, tielx que sont en chescun ville ou Seignorie, ou soit ceo backside, court, yarde, pasture, ou autrement quecunque, lou le owner del distresse poit venir a doner eux viande sauns offence pur leur estant la, ou lon venner la.

**Pound close**, est tiel lieu, lou le owner del distresse ne poit venir a doner eux viande sauns offence, come en vn close meason, ou quecunque auter lieu.

348 **Preamble.**

**Preamble**, ad son nosme de le preposition (*Præ*) deuant, & le verbe (*Ambulo*) pur va, issint ioint ensemble, ils font vn compound verbe de le primer coniugation (*Preambulo*) pur vaer deuant, & de ceo le primer part ou commencement dun act, est appelle le Preamble de le act le quel preamble est vn chiffe de ouerer les ments del feafors del Act, & les mischuefes que ils entende

**Pound open**, is every place wherin a distresse is put, whether it be common pound, such as are in every Towne or Lordship, or whether it be backside, court, yard, pasture, or else whatsoener, whether the owner of the distresse may come to give them meate & drinke without offence for their being there, or his coming thither.

**Pound close**, is such a place, where the owner of the distresse may not come to give them meate and drinke without offence, as in a close house, or whatsoever else place.

**Preamble.**

**Preamble**, taketh his name of the preposition (*Præ*) before, and the verbe (*Ambulo*) to goe, so joined together, they make a compound verbe of the first coniugation (*Preambulo*) to go before, & here of the first part or beginning of an Act, is called the Preamble of the Act, which preamble is a key to open the mindes of the makers of the Act, and the mischiefs that they intend to

to remedy by the same: As  
for example, the stat. made  
at Westm. the first the 37.  
chap which giveth an At-  
taint, & preamble of which  
is thus: Forasmuch as  
certain people of the realm  
doubt very little to give  
false verdicts or oaths,  
which they ought not to  
do, whereby many people  
are disherited & lose their  
right, it is provided &c.

de remedy per ceo: Come  
pur exemple, le statute fait  
al West. le primer le 37. ca.  
que done Attaint, le Pre-  
amble de que est issint: Pur  
ceo que ascuns gens de la  
terre doutent meines faux  
serment faire, que faire ne  
duissent, p que multes des  
gentes sont disherites &  
perdent leur droit, puruiew  
est &c.

346 **Præmunire.**  
PRæmunire, is a writ, and  
it lyeth where any man  
sueth any other in the spi-  
rituall court, for any thing  
that is determinable in the  
kings court, and that is  
ordained by certain Sta-  
tutes, and great punish-  
ment therfore ordained, as  
it appeareth by the same  
statutes, viz. that he shalbe  
out of the Kings protecti-  
on, and that he be put in  
pryson without bayle or  
mainprise, till that he have  
made fine at the Kings  
will, and that his lands &  
goods shall be forfeit if he  
come not within two mo-  
nethes. Also the prou-  
isors, procuratores, attur-

**Præmunire.**  
PRæmunire, est vn briefe,  
& gist lou ascun home  
sue ascun autre en court  
christian, pur ascun chose  
que est determinable en le  
court le Roy, & ceo est  
ordayne per certaine Sta-  
tutes, & graund punish-  
ment a ceo ordeine, come  
appiert per mesmeles sta-  
tutes, cestascavoir, que il  
serra hors de protection  
le Roy, & que soyt mis  
en prison sans bayle ou  
mainprise, tanque ils ad  
fait fine al volunt le Roy,  
& que ses terres & cha-  
teux serront forfaites si  
il ne veygne deins deux  
moys. Auxy leur prou-  
isors, procurators, attur-  
nies,

## The Exposition of

nies, executors, notaries, & maintainors, shall be punished in the same manner, Ideo vide Statutum.

Auxy ascuns dient que si vn Clerke sue autre hōe en court de Rōe pur chose spiritual, lou il poit auer remedie deins cest Realme en court son Ordinary, que il serra en case de le statute.

Et sur diuers autres offences est imposee per statutes depuis faicte penalte que eux incurre queux fueront attaintes en Pre-munire: Come per 13. Eliz. cap. 8. ceux que aydont a faire corrupt bargain sur que vsury est reserue ouster x.li. par le hundred en lan &c.

350 Precipe in capite.

PREcipe in capite, est vn briefe, & gist loule tenant que tient del Roy en chiefe, come de sa corone, & il est desforce, cest adire ouste de son terre, donques il auera cest briefe, & cest briefe serra close, & serra plede en le common bank.

Auxy si ascun tenant que

nies, executors, notaries, & maintainors, shall be punished in the same manner, Therefore look the stat.

Also some men say, that if a Clerk sue another mā in the Court of Rome for a thing spiritual where he may haue remedy within the Realm in the Court of his Ordinary, that he shall be win the case of the statat.

And vpon diuers other offences is imposed by statutes lately made the penalte that they incurre which are attainted in pre-munire: As by 13. El. ca. 8. they which are ayding to make a corrupt bargain whereupon vsury is reserued above the x. pounds in the hundred in the yeare &c.

Precipe in capite.

PREcipe in capite, is a writ, and it lyeth where the tenant holdeth of the King in chiefe, as of his crowne, & he is desforced, that is to say, put out of his land, then hee shall haue this writ, & this writ shall be close, & shall be pleaded in the common place.

Also if any tenant which holdeth

holdeth of any lord be de-  
forced, it behoueth him to  
sue a writ of Right patent  
which shall be determined  
in the Lord's court. But  
if the land be holden of the  
king, the writ of right pa-  
tent shall be brought to the  
king's court: & this writ  
may be remoued from the  
Lord's court vnto the coun-  
ty by a Tolt, & from the coun-  
ty into the common place  
by a Pone. Tooke therfore  
before in the title Droit.

351 Prescription.

Prescription, is when a  
man claimech any thing  
for that he, his ancestors,  
or predecessors, or they  
whose estate he hath, haue  
had or vsed any thing all  
the time, whereof no mind  
is to the contrarie.

But one may not pre-  
scribe against a statute, ex-  
cept he haue another sta-  
tute that serueth for him.

352 Presentment.

Presentment, is of two  
significations: one is  
presentment to a Church,  
which whē any mā which  
hath right to giue any be-  
nefice spirituall, & nameth  
the person to the Bishop

tient de ascun Seignieur  
soit desorce, luy couient  
suer brieve de Droit patent  
que sera determine en le  
court le Seignieur. Mes si  
la terre soit tenus del Roy,  
le brieve de droit patent ser-  
ra port al court de Roy.  
Et cest brieve poit/este re-  
moue de la court le Seig-  
nour en le countie per vn  
Tolt, & de la county en  
cominon bank p vn Pone.  
Ideo vide deuaunt titulo  
Droit.

Prescription.

Prescription, est quāte  
vn person claime ascun  
chose, pur ceo que il, les  
ancestors, ou predecessors,  
ou ceux que estare il ad,  
ont ew ou vse ascun chose  
dont nul memorie curt al  
contrarie.

Mes ne poit prescribe  
encontrer vne statute, sinon  
que il ad auter statute que  
serue pur luy.

Presentment.

Presentment, est equivo-  
cum: lun est present-  
ment al Eglise, quel  
quāte ascun home que  
ad droit a doner ascun  
benefice spirituall, & nos-  
me le person al Euesque



# The Exposition of

a que il voit le doner, & fait vn letter al Euesque pur luy, ceo est vn presentation ou presentmēt. Mes si diuers coheres ne poyent accorder en presentmēt, le presentee de leigne serā admittre, Mes de loynrenants & tenants en common, si ils ne accordant deins les sixe moys, le Euesque presentera per laps.

L'autre est vn presentment ou Information per alicū Iurie en vn Court, deuant alicun officer la q̄ ad auctoritie de punisher alicū offence fait contri le ley.

353 Pretensed droit ou Title.

PRetensed droit ou Title, est lou vn est en possession de terres ou tenemens, & vn autre que est hors de possession, clame ceo, ou sue pur ceo: Ore le pretended droit ou title est dit en luy, que issint sue ou clame. Et si il puis vient a le possession de mesme les terres ou tenementes, son droyt ou title est annexé al terre & possession, & nient donque appel droit.

to whom he will giue it, & maketh a writing to the Bishop for him, that is a presentation or presentmēt. But if diuers coheres may not agree in presentment, the presentee of the cleest shall bee admitted. But of Iointnants & tenants in common, if they agree not within sixe monethes, the Bishop shall present by laps.

The other is a presentment or information by a iurie in a court, befoze any officer which hath auctoritie to punish any offence done contrarie to the law.

Pretensed right or Title.

PRetensed right or Title, is where one is in possession of landes or tenements, & another who is out of possession, claimeth it, or sueth for it: Now the pretended right or title is said in him, who so doth sue or clame. And if hee afterward come to the possession of the same landes or tenements, his right or title is annexed to the land and possession, & not then called right.

354 Priuie, or Priuities.

Priuie, or Priuities, is where a lease is made to hold at will, for yeares, for life, or a feoffment in fee, and in diuers other cases, now because of this that hath passed betwene these parties, they are called priuies, in respect of strangers, betwene whom no such dealings or conueyances hath bin.

Also if there bee Lord and tenant, and the tenant holderth of the lord by certaine seruice, there is a priuie betwene them because of the tenure, and if the tenant bee disseised by a stranger, there is no priuie betwene the disseisor and the Lord, but the priuie still remaineth betwene the lord and the tenant that is disseised, & the Lord shall auow upon him, for that hee is his tenant in right, and in the iudgement of the Law.

Priuies are in diuers sorts, as namely, priuies in estate, priuies in deed, priuies in law, priuies in right, and priuies in blood.

Priuie, or Priuities.

Priuie, ou Priuities, est lou vn leate est fait a tener a volunt, pur ans, pur vie, ou vn teoffement en fee, & en diuers autres cases, ore pur ceo de ceo que ad passe perenter ceux parties, ils sont appellees priuies, en respect de strangers perenter queux nul uel conueyances ad estre.

Auxy si soit Seignieur & tenant, & le tenant tient del Seignieur per certaine seruice, il y ad vn priuie perenter eux ver cause de tenure, & si le tenant soit disseise per vn estranger, il ad nul priuie perenter le disseisor & le seignieur, mes le priuie vacore demurt perenter le seignieur & le tenant que est disseise, & le Seignieur auowet sur luy, pur ceo que il est son teneant en droit, & en le iudgement del ley.

Priuies sont en diuers sorts, come nosmement, priuies en estate, priuies en fait, priuies en ley, priuies en droit, & priuies en sanke.

V. ij. Priuies

## The Exposition of

Privies en estate, est lou vn lease est fait del man-  
nour de Dale al A. pur vie,  
le remainder al B. en fee, la  
& A. & B. sont priuies en  
estate, car lour estates fue-  
ront fait ambideux al vn  
temps.

Et issint est en le primer  
case cy, ou vn lease est fait  
al volunt, pur vie, ou ans,  
ou vn feoffement en fee,  
les lesses ou feoffees sont  
appel priuies en estate,  
& issint sont lour heires  
&c.

Privies en fait, est lou  
vn lease est fait pur vie, &  
apres per vn autre fait le  
reuerfion est graunt al vn  
estranger en fee, cest  
graunt del reuerfion est  
appel priuie en fait, pur  
ceo que il ad le reuerfion  
per fait.

Privie en ley, est lou il  
est Seignior & tenant, le  
tenant lessa le tenancie  
pur vie & morest sauns  
heire, & le reuerfion es-  
cheate al Seignior, il est  
dit priuie en ley, pur ceo  
que il ad son estate sole-  
ment per le ley, cest adire  
per escheate.

Privies in estate, is  
where a lease is made of  
the manour of Dale to  
A. for life, the remainder  
to B. in fee, there both A.  
& B. are priuies in estate,  
for their estates were both  
made at one time.

And so it is in the first  
case here, where a lease is  
made at will, for life, or  
yeares, or a feoffement  
in fee, the lessors or feot-  
frees are called priuies in  
estate, and so are their  
heires &c.

Privies in dede, is  
where a lease is made for  
life, and afterward by an  
other dede the reuerfion  
is graunted to a stran-  
ger in fee, this graunte  
of the reuerfion is called  
priuie in dede, because that  
he hath the reuerfion by  
dede.

Privie in law, is where  
there is Lord and tenant,  
the tenant lesseth the te-  
nancie for life and dyeth  
without heire, & the reuer-  
fion escheats to the Lord,  
he is said priuie in law,  
because that he hath his  
estate only by the law, that  
is to say, by escheat.

Privie

**P**riuie in right, is where one possessed of a terme for yeares, granteth his estate to an other vpon condition, and maketh his executors and dyeth, now these executors are priuies in right, for if the condition be broken, and they enter into the Land, they haue it in the right of their Testator, and to his vse.

**P**riuie of blood, is the heire of the feoffour or donor, &c.

Also if a fine be leuied, the heires of them that leuied the fine are called priuies.

**P**riuie en droit, est lou vn possesse dun terme pur ans, graunta son estate al vn auter sur condition, & fait les executeurs & mourut, ore ceux executors sont priuies en droyt, car si le condition soynt enfreint, & ils entrent en le terre, ils aueront ceo en le droyt de leur testateur, & a son vse.

**P**riuie de sanke, est le heire de le feoffor ou donnor &c.

Item si vn fine soynt leuie, les heires de celuy que leuie le fine sont appelle priuies.

355 Priuiledges.

**P**riuiledges, are liberties and franchises granted to an office, place, towne, or manour, by the Kings great charter, letters patents, or act of parliament: as Colle, Sake, Socke, Infangthefe, Outfangthefe, Turne, thefe, Turne, Dzebeise, and diuers such like, for which looke in their proper titles and places.

Priuiledges.

**P**riuiledges, sont liberties & franchises graunt al vn office, lieu, ville, ou manor, per la graund charter del Roy, letters patents, ou act de parliamēt: cōe Toll, Sake, Socke, Infangthefe, Outfangthefe, Turne, Oredelse, & diuers tielx semblables, pur queux veies en leur proper titles & lieux.

# The Exposition of

356 Proces.

**PROCES**, sont les briefes & precepts que ilz ont sur le original: et en actions reals & personels sont diuers sortes de proces, car en actions reals le proces est Graund Cape deuant apparence: Ideo vide de ceo en le title Petite Cape.

Mes en actions personels, come en dette, trespass, ou detinue, le proces est vn distresse, & si le Vicount retourne Nihil habet in balliua &c. donques le proces est Alias Capias, & Pluries, & vn Exigent, & ils sont appellees Capias ad respondendum. Auxy le Exigent sera cinque fois proclames, & si le partie nappere il sera vtlage. Mes en diuers actions sont diuers maners de proces, que est puis alarge declare en Natura breuium.

Auxy sont diuers autres proces apres apparence, quant les parties sont al issue pur faire lenquest appere, come vn briefe de Venire facias, & s'ils ne apperont al iour, donques vn briefe de Habeas corpora

Proces.

**PROCES**, are the writs & precepts that go vpon the original: and in actions reals and personals there be surdyz sortes of proces, for in actions reals the processe is Graund Cape befoze apparence: Therefore see of that in the title Petit Cape.

But in actions personals, as in debt, trespass, or detinue, the proces is a distresse, and if the shirfe retourne Nihil habet in balliua &c. then the proces is alias Capias, and Pluries, and an Exigent, & they are called Capias ad respondendum. Also the Exigent shalbe proclaimed 5 times, & if the party doth not appere he shal be outlawed. But in diuers actions there are diuers maner of proces, which at large is declared in Natura breuium.

Also there are diuers other processe after apparence when the parties be at issue to make the inquest appere, as a writ of Venire facias, and if they do not appear at the day, then a writ of Habeas corpora

Iurat,

Jura, and after a Writ of Distingas Jura.

Also there are diuers other processe after iudgement, as Capias ad satisfaciendum, Capias vtlagatum, and Capias ad valentiam &c.

But Capias ad satisfaciendum, lyeth where a man is condemned in any debt or dammage, then he shall be arrested by this writ, and put in prison without baile or maine prise, till he hath payed the debt & the dammages.

But Capias vtlagatum, lyeth where one is outlawed, then he shall be taken by this writ, and put in prison without baile or maineprise, for that he had the law in contempt.

Capias ad valentiam lyeth where I am impleded of certain lāds, & I vouch to warrantie another, and cannot barre the demaundant, so that the demaundant recouer against mee, then I shall recouer so much in value against the vouchee, & then shall goe forth this writ.

And there be other pro-

Jura, & apres vn briefe de Distingas Jura.

Auxy sont diuers autres proces apres iudgement, come Capias ad satisfaciendum, Capias vtlagatum, & Capias ad valentiam &c.

Mes Capias ad satisfaciendum gist lou vn home est condemne in ascun det ou damages, donques il ferra arrest per cest briefe & mis en prison sans baile ou mainprise, tanque il ad pay le det & les damages.

Mes Capias vtlagatum, gist lou vn est vtiage donques il ferra prise per tiel brief, & mis en prison sans baile ou maineprise, por ceo que il ad fait contēpt encounter le ley.

Capias ad valentiā gist lou ico fac implede de certain terre, & ico vouch a garrantie vn autre, & il ne scauit pas barre le demaundant, issint que le demaundant recouer vers moy, donques ico recouera tant in value vers le vouchee, & donques issira cest briefe.

Auxy sont autres proces  
V iij. ces

# The Exposition of

cesse & briefes iudicials, cesse & Writts iudicials, come Fieri facias, Scire facias, & plufors auters: & as, and many other: and ideo vide ceux en leur titles. therefoze loke for them in their titles.

557 Procheine amy.

PROcheine amy, est communemēt prise pur Gardian en focage, & est lou vn home seisie de terres tenus en focage morust, son illue deins age de xiiij. ans, donques le procheine amy, ou procheine de sank a que les terres ne poyent vener oudiscender, auera le gard del heire, & del terre, al vse solement del heire, tanque il vient al age de xiiij. ans: Et donques a tiel ans, le heire poit enter & luy ouste, & amelsuer luy de accompt: Mes en cest accompt il auera allowance pur toutes reasonable costs & expences bestowe ou sur le heire ou son terre.

Et le procheine amy ou procheine de sank a que le inheritance ne poit discender est illint deste entende: Si les terres discend al heire de son pere, ou ascun del sank del part son pere, donques

Next friend.

NEXT friend, is cōmonly taken for Gardian in focage, & is where a man seised of land holden in focage dieth, his issu with in age of xiiij. yeares, then the next friend, or next of kinne to whom the lands cānot come or discend, shal haue the keeping of the heire, and of the lande, to the onely vse of their heire, untill he come to the age of xiiij. yeares: And then at that peres he may enter and put him out: & bring him to accompt: But in that accompt he shal be allowed for all reasonable costs & expences bestowed either vpon the heire or his land.

And the next friend or next of kinne to whom the inheritance cānot discēd, is thus to be vnderstood: If the Landes discende to the heire from his Father, or any of the kinne of his Fathers side, then the

the mother, or other of the Mothers side, are called the next of kinne to whom the inheritance cannot descend, for before that it shall so descend, it shall rather escheat to the Lord of whom it is holden.

And so it is to be understood where the lands come to the heire from his Mother, or any of the kinne of his mothers side, then the Father or other of the fathers side are called the next of kinne to whom the inheritance cannot descend, but shall rather escheat to the Lord of whom it is holden.

Otherwise Procheine amy is he which appeareth in any Court for an infant which sueth any action, & aideth the infant to pursue his suite: whereof see the Statutes of W.1. cap. 47. & W.2. cap. 15. that an infant may not make an Atturney, but the Court may admit the next friend for the plaintife, and a gardian for the infant defendaut as his Attourney.

le mere, ou auter del part le mere, sont appellee procheine de sang a que le enheritance ne poit descendre, car deuaunt que il issint descendra, il pluis tost escheat al Seignior de que il est tenu.

Et issint est destenrendre lou les terres vient al heire de sa mere, ou ascun auter de sang del part sa mere, donques le pere ou auter del part son pere sont appellee le procheine de sang a que le enheritance ne poit descendre, mes pluis tost escheatera al Seignior de que il est tenu.

Autrement procheine amy est cestuy que appiert en ascun Court pur vn enfant que sue ascun action, & que ayde le enfant de pursuer son suite: dont vide les Statutes de W.1. cap. 47. & W.2. cap. 15. que vn enfant ne poit faire Attourney, mes le Court poit admitter le procheine amy pur le plaintife, & vn Gardian pur le enfant def. come son Attourney.



## The Exposition of

### 358 Procedendo.

PRocedendo, est vn brief, & gist lou ascun action est sue en vn Court, que est remoue a vn plus hault, come al Chauncerie, banke le Roy, ou Common bank, per brief de Priuiledge ou Certiorare, & si le defendannt sur le matter monstre nad cause de priuiledge, ou si le matter en le bill sur que le Certiorare issit ne soit bien proue, donques le plaintife auera cest brieve de Procedendo pur remaunder le matter al primer base Court, & la destre determine.

### Procedendo.

PRocedendo, is a writ, & it lyeth where any action is sued in one Court, which is remooued to a Court moze high, as to the Chancerie, the Kings bench, or Common place, by a writ of priuiledge or Certiorare, and if the defendant vpon the matter shewed, haue no cause of priuiledge, or if the matter in the bill whereupon the Certiorare issued be not wel proued, then the plaintife shall haue this writ of Procedendo, for to send agayne the matter vnto the first base Court, and there to be determined.

### 359 Prohibition.

PRohibition, est vn brieve, & gist lou home est emplede en Court Christiane de chose que ne touchi matrimonie ne testament, ne merement d'imes, mes que touche le corone nollr Seignour le Roy, & cest brieve serra direct auxy bien al partie come al Iudge, ou son official, de cux prohibite que ils ne pursue ouller. Mes si

### Prohibition.

PRohibition, is a writ, & it lyeth where a man is impleaded in the spiritual Court of the thing that toucheth not matrimonie nor testament, nor merely tythes, but that toucheth the Kings Crown, & this writ shall be directed as well to the partie as to the Iudge, or his official, to prohibite them that they pursue no further. But if

it appeare afterward to the Judges temporal, that the matter is to be determined in the spiritual Court, and not in the court temporal, then the party shall haue a writ of Consultation, commanding the Judges of the Court spiritual to proceed in the first place.

260 Protection.

Protection, is a writ, & it lyeth where that a man will passe ouer the Sea in the kings seruice, then hee shall haue this writ, and by this writ hee shall be quit of all maner of ples betwixen him & any other person, except ples of dower, Quare impedit, Assise of nouel disseisin, Darreine presentment, & Attaints, and ples before Iustices in Eyre. But there be two writs of Protection, one Cum clausula volumus, & an other Cum clausula nolumus, as appeareth in the Register. Also a Protection shall not be allowed in any plee begun before the date of the Protection, if it be not in vyages where the King himselfe shall passe, or other biages

il appeare apres a les Iudges temporal, que le matter est destre determine en le spiritual Court, & nemy en le Court temporal, doncque le party auera vn briefe de Consultation, commandant les Iudges de le court spiritual de proceder en la primer place.

Protection.

Protection, est vn briefe, & gist lou home voit passer ouster le mere en le seruice le Roy, doncque il auera cest briefe, & per cest briefe il sera quit de toutz maner des ples enter luy & aucun autre person, except ples de Dower, Quare impedit, Assise de Nouel disseisin, Vltime presentations, & Attaints, & ples deuant Iustices en Eire. Mes sont deux briefes de Protection, vn Cum clausula volumus, & l'autre Cum clausula nolumus, vt appiert en la Register. Auxy Protection ne sera allowe en aucun plee commence deuant le date de la Protection, si ne soit en vyages ou le Roy mesme passa, ou autres vyages royaux,

### The Exposition of

royals, ou en message le Roy pur besoignes de Realm. Auxy Protection ne serra allowe pur vitailles achates pur le viage, dont le protection fait mention, ne en plects de trespas, ou de contracts fait puis le date de mesme le protection.

Mes nota, que ascun poit attacher ou commencer ascun action real vers cestuy que ait tiel protection, & en ceo proceder tanque le defendaunt veigne & monstre son protection en le court, & ayt ceo allowe, & donques son plect ou suite serra mis sans iour. Mes si apres il appiert que le partie que ad le protection ne va en le besoigne pur que il eyt ceo, donques le demaundant auera vn repeal de ceo. Et sil va & returne apres le besoigne finie, le demaundant auera vn resummons de recontinue le former suit.

royals, or in messagers of the king for affaires of the Realme. Also a protection shall not be allowed for victuall bought for the viage, wherof the protection maketh mention, nor in plects of trespas, or of contracts made after the date of the protection.

But note, that any may attach or begin any action real against him that hath such protection, and there in proceed vntill the defendant cometh & sheweth his protection in the Court, & hath it allowed, and then his plect or suite shall go without day. But if after it appeareth that the party which hath the protection goeth not about the affaires for which he hath it, then the demandant shall haue a repeal thereof. And if he go and returne after the busines ended, the demandant shall haue a resummons to recontinue the former suit.

361 Proteffation.

Proteffation.

PROteffation, est vn forme de pleading quant ascun

PROteffation, is a forme of pleading when any will

will not directly affirme, ne voit directment affir-  
 mer, ne directment denier  
 nor directly denie any thing that is alledged by  
 ascun chose quel est al-  
 an other, or which he him-  
 leage per auter, ou que  
 selfe alledgeth. And it is  
 il mesme alleage. Et est  
 in two sortes: One is, en deux maners, lun est  
 when one pleadeth any quauant vn pleade ascun  
 thing which hee dare not chose que il ne osast di-  
 directly affirme, or that he rectment affirmer, ou que  
 cannot pleade it for doubt il ne poit ceo pleder pur  
 to make his plee double: doubte de sayre son plee  
 As if in conueying to him- double: Come si en con-  
 selfe a title to any land, hee ueying a luy title al as-  
 ought to pleade diuers dis- cun terre, il doit plea-  
 cents by diuers persons, der diuers discents per di-  
 & hee dare not affirme that uers persons, & il nosast  
 all they were seised at the affirmer que eux toutes  
 time of their death, or al- fueront seises al temps de  
 though hee could do it, lour mort, ou coment  
 it shall be double to plead il ceo purroit, ceo serra  
 two discents, of both double a pleder deux dis-  
 which, euery one by him- cents, de queux ambideux  
 selfe may bee a good barre: chescun aparluy poit es-  
 Then the defendant ought tre bone barre: Donques  
 to pleade and alleage the le defendaunt doit pleder  
 matter interlasing thys & alleager le matter en-  
 sword Protestando, as to terlasing cest parol Pro-  
 say, that such a one dyed testando, come adire, que  
 (by protestation) seised &c. tiel obijt (protestando)  
 and that is to be alleaged seisie &c. Et ceo est destre  
 by protestation, and not alleage per protestation,  
 to bee trauersed by the & nemy trauersable per  
 other. In other Protestati- lauer. Auter protestati-  
 on is, when one is to an- on est, quant vn est de res-  
 swere to two matters, and ponder al deux choses, &  
 yet by the law hee ought ramer per le ley il doit  
 ple-

## The Exposition of

<p>pleder forſque a lun, don- ques en le primer part del plee, il dira, al vn matter Proteſtando, &amp; non cog- noſcendo cel matter eſtre voer, &amp; faire ſon plee ou ſter per ceux parolx, Sed pro placito dicit &amp;c. &amp; ceo eſt pur ſaluation al partie (que iſſint plede per pro- teſtation) deſte conclude per aſcun matter alleage ou obieſt encounter luy, ſur que il ne poit ioiner iſſue: Et neſt auter choſe mes vn excluſion del con- cluſion, car il que priſt le proteſtation exclude l'au- ter partie de concluder luy. Et ceſt proteſtation doit eſſioier oue le ſequel del plee, &amp; nemy deſte repugnant, ou autrement contrarie.</p>	<p>to plead but to one, then in the firſt part of the plea, he ſhall ſay to the one mat- ter Proteſtado, &amp; non cog- noſcendo, this matter to be true, and make his plea further by theſe wordes, Sed pro placito dicit &amp;c. and this is for ſauing to the party (that ſo pleadeth by proteſtation) to be con- cluded by any matter al- leaged or obieſted againſt him, vpon which hee can- not ioyne iſſue: And is no other thing but an ex- cluſion of the concluſion, for hee that taketh the Proteſ- tation excludes the other partie to conclude him. And theſe Proteſtation ought to ſtand with the ſequell of the plea, and not to be repugnant, or other- wiſe contrarie.</p>
--	---

362 Purchase.

Purchase.

<p>Purchase, eſt le poſſeſſion que vn home ad en ter- res ou tenements per ſon act demelne, meanes, ou agreement, &amp; nemy per title de diſcent de aſcun de ſes auncetours. Vide Littleton lib. 1. cap. 1.</p>	<p>Purchase, is the poſſeſſion on that a man hath in landes or tenements by his owne act, meanes, or agreement, and not by title of diſcent from any of his auncetours. See Littleton lib. 1. cap. 1.</p>
--	---

Q.  
Quale ius.

363

Q Vale ius, is a writ, and it lyeth where an Abbot, Prior or such other, should haue iudgement to recouer land by the default of the tenant against whom the land is demaunded, then before iudgement giuen, or execution awarded, this writ shall goe forth to the Escheator to inquire what right he hath to recouer: And if it be found that he hath not right, then the Lord which should haue the land, if the tenant had aliened in Mortmaine, may enter as into land aliened into Mortmaine, for this tooling by default is like to an alienation. See the Statute Westminister 2. cap. 32.

But a writ of Ad quod dampnum lieth where one will giue landes to an house of Religion, then this writ shall goe forth to the Escheator, to inquire of what value the land is, and what prejudice it shall bee to the King.

Q.  
Quale ius.

Q Vale ius, est vn briefe, & gist lou ascun Abbot, Priour, ou tiels auers, aueront iudgement de recouer terre per le default del tenaunt vers que le terre est demande, donques deuant iudgement done, ou execution agarde cest briefe issira al Escheator pur enquirir quel droit il ad a recouer: Et si soit trouue que il nad droit, donques le Seignieur que duist auer le terre si le tenaunt vst alien en Mortmaine, poit entrer come en terre aliene en Mortmaine, car cel perdre per default est semblable a vn alienation. Vide le statute Westminister le second capitulo 32.

Mes briefe de Ad quod dampnum gist lou vn voile doner terre al meason de Religion, donques cest briefe issira al Escheatour, pur enquiree de que value le terre est, & quel prejudice il serra al Roy.

The Exposition of

364 Quare eiecit infra terminum.

QVare eiecit infra terminum, est vn briefe, & gist lou vn fait lease a vn auter pur terme dans, & le lessour enseoffa vn auter, & le seoffee ousta le termour, donques le termour auera cest briefe vers le seoffee. Mes si vn auter estranger ouste le termour, donques il auera briefe de Eiectione firmæ vers luy. Et en ceux deux briefes il recouera le terme & ses damages.

365 Quare impedit.

QVare impedit, est vn briefe, & gist lou ieo ay aduowson, & le Parson deuie, & vn auter presenta son clerke, ou disturbe de presenter, donques ieo auera le dit brief. Mes Assise de Darrain presentment gist lou ieo ou mon aucestors ont present deuant. Et lou home poit auer Assise de darrain presentment, il poit auer vn Quare impedit, mes nemy contrarie.

Auxy si le plee soit dependant enter deux par-

Quare eiecit infra terminum.

QVare eiecit infra terminum, is a writ, and it lyeth where one maketh a lease to another for terme of yeares, and the lessor in-seoffeth an other, and the seoffee putteth out the termor, then the termor shall haue this writ against the seoffee. But if an other stranger put out the termor, then he shall haue a writ de Eiectione firmæ against him. And in these two writs he shall recover the terme & his damages.

Quare impedit.

QVare impedit, is a writ and it lyeth where I haue an aduowson, & the Parson dieth, & an other presenteth his clerke or disturbeth me to present, then I shall haue the said writ. But Assise de Darrain presentment lyeth, where I or my ancestors haue preseted before. And where a man may haue an Ass. de Darrain presentment, he may haue a Quare impedit, but not contrarywise.

Also if the plee be depending between two parties

ties, and bee not distussed  
within sixe monethes, then  
the Bishop may present by  
Laps, & he that hath right  
to present, shal recouer his  
damages, as it appeareth  
by the statute of west. 2.  
cap. 5. therefore see the sta-  
tute. Also if hee that hath  
right to present after the  
death of the Parson, and  
bringeth no Quare impe-  
dit, nor Darraine present-  
ment, but suffereth a strā-  
ger to vsurpe vpon him,  
yet hee shall haue a writ of  
Right of aduowson: But  
this writ lyeth not, but  
lesse he claime to haue the  
aduowson to him and his  
heires in fee simple.

ties & ne soit discusse de-  
ins vj. moys, donques le E-  
uesq; presentera per laps, &  
cestuy que ad droit de pre-  
senter, recouera damages  
come appiert per lestatute  
de West. 2. cap. 5. ideo vide  
statutum Auxyli cessuy q  
ad droyt de presenter a-  
pres le mort del Parson, &  
ne porta Quare impedit,  
ne Darraine presentment,  
mes suffer vn estrange de  
vsurper sur luy, vncore il  
auera vn brieve de Droyt  
daduowson. Mes cest brief  
ne gisti il ne clayme da-  
uerlauowson a luy & ses  
heires en fee simple.

Quare incumbrauit.

366 Quare incumbrauit.  
Quare incumbrauit, is a  
writ, & it lyeth where  
two be in plee for the ad-  
uowson, & the Bishop ad-  
mitteth the Clerke of one  
of them within the vj. mo-  
nethes, then he shall haue  
this writ against the Bi-  
shop. But this writ lyeth  
alway hanging the plee.

Quare incumbrauit, ē vn  
brieve, & gist lou deux  
font en plee pur lauowson,  
& Leuesq; admitta le clerk  
dū de eux deins le vj. mois,  
donques il auera cest brief  
vers le Euesque. Mes cest  
brieve gist tous foyts pen-  
dant le plee.

367 Quare intrusit matrimo-  
nio non satisfacto.

Quare intrusit matrimo-  
nio non satisfacto.

Quare intrusit matrimo-  
nio non satisfacto, is

Quare intrusit matrimo-  
nio non satisfacto, est



# The Exposition of

vn bñe, & gift lou le Seignior prospera conuenable mariage a son gard, & il refusa & entra en la terre, & soy marrie a vn auter, donques le Seignior auera cest bñe vers luy.

a writ, & it lyeth where the Lord proffereth conuenable marriage to his ward, and he refuseth & entreteth into the land, & marieth himselfe to another, then the Lord shall haue this writ against him.

368 Quare non admisit.

**Q**uare non admisit, is vn bñe, & gift lou home adrecouer vn Aduowson, & il maunda son conuenable clerke al Euesque pur este admitte, & le Euesque ne voile luy receiuer, donques il auera le dit bñe vers le Euesque. Mes bñe de Ne admittas gift, lou deux sont en plee, si le plaintife suppose que Leuesque voit admit le clerke le defendant, donques il poyt auer cest bñe al Euesque, luy commaundant que il ne luy admitte pendant le plee.

Quare non admisit.

**Q**uare non admisit, is a writ, & it lyeth where a man hath reconered an aduowson, and he sendeth his conuenable clerk to the Bishop to bee admitted, & the Bishop will not receiue him, then he shal haue the said writ against the Bishop. But a writ de Ne admittas lyeth where two bee in plee, if the plaintife suppose that the Bishoppe will admit the clerk of the defendant, then hee may haue this writ to the Bishop, commaunding him not to admit him hanging the plee.

396 Quarentine.

**Q**uarentine, est lou home deuie seise de vn manner place & dauters terres, dont la feme doyt estre endowe, donques la feme tiendra se en le manner place, & la viue

Quarentine.

**Q**uarentine, is where a man dieth seised of a manors place & other lads, whereof the wife ought to be endowed, then the woman may abide in the manors place, and there lue

of

of the store & profits thereof  
of the space of forty daies,  
within which time her  
Dower shall be assigned,  
as it appeareth in Magna  
charta, cap. 6.

de le store & profits de ceo  
per quarant iours, deins  
quel temps la Dower sera  
a luy assignee, come ap-  
piert in Magna charta,  
cap. 6.

370 Quid iuris clamat.

Quid iuris clamat, is a  
writ, and lyeth where  
I graunt the reuerſion of  
my tenant for terme of life  
by fine in the kings court,  
and the tenant will not at-  
tozne, then the grantee ſhal  
haue this writ for to com-  
pell him to attorne. But a  
writ of Quem redditum  
reddit lyeth where I graunt  
by fine a rent charge, or an  
other rent which is not  
rent ſeruite which my te-  
nant holdeth of mee, & the  
tenant will not attorne,  
then the grantee ſhall haue  
this writ. And a writ of  
Per quæ ſeruitia lyeth in  
like caſe for rent ſeruite.

Also if I graunt foure  
diuers rents to one man,  
and the tenant of the land  
attozned to the grantee  
by payment of a peny, or of  
an halfe peny in the name  
of attornment of all the  
rents, this attornment ſhall

Quid iuris clamat.

Quid iuris clamat, eſt vn  
brieſe, & giſt lou ico  
graunt le reuerſion of mon  
tenant a terme de vie per  
fine en Court le Roy, & le  
tenant ne voit attourner,  
donques le grauntee auera  
ceſt brieſe pur luy chaſer  
pur attourner. Mes brieſe  
de Quem redditum reddidit  
giſt lou ico graunt per fine  
vn rent charge, ou autre  
rent que neſt rent ſeruite  
quel mon tenant tient de  
moy, & le tenant ne voit  
attourner, donques le gran-  
tee auera ceſt brieſe. Et  
brieſe de Per que ſeruitia  
giſt en ſemble caſe pur rent  
ſeruite.

Auxy ſi ico graunt iij.  
diuers rents a vn home, &  
le tenant de terre attour-  
na al grauntee per pay-  
ment de vn denier, ou  
vn male en noſme de at-  
tornement de tous ceux  
rents, ceſt attornement luy

X. ij. mit.

### The Exposition of

mittera en seisin de tout cest rent. Mes ceux trois briefes couient estre port vers eux que sont tenants iour del note leuie, & vers nul autres.

put him in seisin of all the rent. But these 19. writs ought to bee brought against those which are tenants at 5 day of the note leuied, & against no other.

Fifteene.

371 Quinzisme.

**Q**uinzisme, est vn payement graunt en Parliement al Roy per les layes gentes, celscauoir, le quinzisme part de leur biens: Et fuit vse en auncient temps destte leuie sur leur auers esteants en leur terres, que chose fuit mult troublous, & pur ceo a ore pur le plus part, cest voy est alier, & ils vse de leuie ceo per les Verges, ou Acre, ou autre mesure de terre. Per reason de que il est a ore meins troublous, & plus certaine que denaunt il fuit. Et chescun Ville & Pays scient quel somme est destte paie perenter eux, & coment ceo serra raise. Nous legimus que Moyses fuit le primer que number le people, car il number lez Israelites, & pur ceo le primer Taxe,

**F**ifteene, is a payment graunted in Parliament to the King by the Tempozaltie, namely, the Fiftenth part of their goods: And it was bled in auncient time to bee leuied vpon their Cattell going in their grounds, which thing was verie troublesome, and therfore now for the most part, that way is altered, and they vse to leuie the same by the Parde, or Acre, or other measure of land. By meanes whereof it is now lesse troublesome, and more certain then befoze it was. And euery Towns and Countrey do know what somme is to be paid among them, and how the same shall be raised. We read that Moyses was the first that did number the people, for hee numbered the Israelites, and therfore the first Taxe, subsidie,

subsidie, tribute, or fifteene was inuented by him among the hebrewes, as Polidore Virgil doth thinke.

372 Quod ei deforceat.

QVod ei deforceat, is a writ, & it lyeth where the tenant in the Taile, tenaunt in Dowry, or tenant for terme of life, leaseth by default in any action, then hee that leaseth shall haue this writ against him that recouereth, or against his heire if he think that hee hath better right then hee which recouered. See the statute West. 2. cap. 4.

373 Quod permittat.

QVod permittat, is a writ, & it lyeth where a man is disseised of his common of pasture, and the disseisour alpeneth or dyeth seised, and his heire entreth, then if the disseisee dye, his heire shall haue this writ.

374 Quo iure.

QVo iure, is a writ, and it lyeth where a man hath had common of pasture in an other seuerall of late within the time of memoire, then he to whom

subsidie, tribute, ou quinzisme fuit inuent per luy enter les hebrewes, come Polidore Virgil suppose.

Quod ei deforceat.

QVod ei deforceat, est vn briefe, & gist lou tenant en le Taile, tenant en Dowry, ou tenaunt a terme de vie perde per default en ascun action, donques cestuy que perde auera cest briefe vers celuy que recouera, ou vers son heire, si il entende que il auoit meliour droit que il que recouera. Vide le statute Westminster 2. cap. 4.

Quod permittat.

QVod permittat, est vn briefe, & gist lou home est disseise de son common de pasture, & le disseisour alien ou deuie seise, & son heire entra, donques si le disseisee deuie, son heire auera cest briefe.

Quo iure.

QVo iure, est vn briefe, & gist lou home ad ewe common de pasture en autre seuerall de darrein tēps deins le temps de memoire, donques celuy a que

# The Exposition of

appertient la feneual auc-  
ra cest brieſe , & il ſerra  
charge de monſtre per  
quel tielc il claime le com-  
mon.

375 Quo minus.

**Q**uo minus, eſt vn brieſe,  
& giſt lou vn home ad  
graunta a vn auter houſe-  
bote & heibote en ſon bois  
a prender cheſcun an , &  
celuy que ſeloit le graunt  
fait tiel waſt & deſtruction  
que le grauntee ne poit  
auer ſon reaſonable eſto-  
uers, donques le grauntee  
auera le auauuidit brieſe,  
& eſt en nature de brieſe  
de waſt.

Et nota, que houſebote  
eſt appel certaine eſtouers  
pur amender la meaſon.  
Et heybote eſt certaine  
eſtouers pur amender heys  
& hedges.

Et eſt auter brieſe ap-  
pel Quo minus, en le Ef-  
chequer, quel aſcun fer-  
mour ou dettour al Roy  
auera vers aſcun auter,  
pur dette ou treſpaſſe,  
en le Exchequer en le of-  
fice appelle le Common  
plees, per que le plaintiſe  
ſurmittera, que pur le  
zort, que le deſendant fait

belongeth the ſeſneal ſhall  
haue this ſwrit, and he ſhal  
bee charged to ſhewe by  
what title hee claimeth the  
common.

Quo minus.

**Q**uo minus, is a ſwrit, &  
it lyeth where a man  
hath graunted to an other  
houſebote & heybote in his  
wood to take euery yeare,  
& he that made the graunt  
maketh ſuch waſt and de-  
ſtruction that the grantee  
cannot haue his reaſona-  
ble eſtouers, then the gra-  
tee ſhall haue the ſozeſaid  
ſwrit, and it is in nature of  
a ſwrit of waſt.

And note, that houſe-  
bote is called certain eſto-  
uers to mende the houſe.  
And heybote is certaine  
eſtouers to mende heys  
and hedges.

And there is an other  
ſwrit called a Quo minus,  
in the Exchequer, which  
any fermor or dettor to the  
King ſhall haue againſt  
any other, for debt or treſ-  
paſſe, in the Exchequer in  
the office called the comon  
plees, by which the pt ſhal  
ſurmile, that for ſwong,  
which the deſendant doth

to him, hee is lesse able to pay the King his debt or ferme, which is surmised to giue Jurisdiction to the Court of Exchequer, to heare & determin the cause of the suit betwene them, which otherwise should be determined in another Court.

a luy, il est meines able a payer le Roy son debt ou ferme, quel est surmise a donner Jurisdiction al Court Dexchequer, doyer & terminer la cause del suit enter eux, quel autrement serroit determine en autre Court.

376 Quo warranto.

QVo warranto is a writ, and it lieth where a mā usurpeth to haue any franchise vpon the king, then the king shall haue this writ, to make him to come before his Iustices, for to shew by what title he claimeh such franchise.

Quo warranto.

QVo warranto est vn b're, & gist lou home vsurpe d'auer aucun franchise sur le Roy, donques le Roy auera cest brieve, de faire luy veñ deuant ses Iustices, pur monstre per quel tittle il claime tiel franchise.

R.

R.

377 Rationabilibus diuiss: Rationabilibus diuiss.

RAtionabilibus diuiss is a writ, and lyeth where there are two Lordships in diuers Townes, and one nigh the other, and any parcell of one lordship, or of waste, hath bene incrocht by little parcels, the same lord from whom the parcell of ground or of waste hath bin encroched,

RAtionabilibus diuiss est vn brieve, & gist lou sount deux Seignouries en diuers villes, & vn pres le autre, & aucun parcel de vn Seigniorie ou de waste ad este encroche per petits parcels, & donques celuy Seignior de que le parcel de terre, ou le waste ad este encroche

Xiiij,

aucra

# The Exposition of

auera cest bre enuſe le ſhr q  
ad iſſint encroche.

ſhall haue this writ  
gainſt the Lord that hath  
ſo encroched.

378 Rebutter.

**R**ebutter, eſt quant vn per  
fait ou ſine grāt de gar  
ranter alcun terre ou he  
reditament a vn auter, &  
ceſtuy que fiſt le garranty,  
ou ſon heire ſua celuy a q  
le garranty eſt fait ou ſon  
heire, ou assignee, ſi ce  
luy que eſt iſſint ſue, plede  
encounter ceſtuy que ſua  
le dyt fayt ou ſine oue  
garranty, & demaund  
iudgement ſi encounter  
ceſt garranty le plaintiſe  
ſerra reſceiue a demaun  
der le choſe que il doit  
garranter, encounter cel  
garranty per le fayt ou  
ſine auant diſt comper  
nant tiel garranty, tiel ple  
der del garranty eſt appel  
vn Rebutter.

Rebutter.

**R**ebutter, is when one by  
deed or ſine graunteth  
to warrant any land or he  
reditamēt to another, & he  
which made the warrant  
tie, or his heire ſue him to  
whom the warranty is  
made, or his heire, or assign  
nee for the ſame thing:  
now if he which is ſo ſued,  
pledeth againſt him which  
ſueth the ſaid deed or ſine  
with warranty, and de  
maunde iudgement if the  
plaintiſe ſhall be receiued  
to demand the thing which  
he ought to warrant, a  
gainſt that warranty by  
the deed or ſine aforeſaid  
comprehending ſuch war  
rantie, ſuch pleading of the  
warrantie is called a Re  
butter.

379 Rediſſeiſin.

**R**ediſſeiſin, Vide de ceo  
deuant en le title Aſſiſe.

Rediſſeiſin.

**R**ediſſeiſin, Look of that  
beſoze in the title Aſſiſe.

380 Regrator.

**R**egrator, eſt celuy que  
ad blees, victuals, ou  
autres choſes ſufficient

Regrator.

**R**egrator, is he that hath  
cozne, victuals, or  
other things ſufficient  
for

for his owne necessarie need, occupation, or spending, and both neuertheless ingrosse and buy by into his hands moze corn, victuals, or other such things, to the intent so sell the same againe at a higher & dearer price, in fayres, markets, or such like places wherof see the statute 5. E. 6. ca. 14. for he shalbe punished as a Forfeiter.

pur son necessary oeps, occupation, ou expences, & nient obstant engrosse, & achate en ses maines plus blees, victuals, ou autres tiels choses, al intent de vendre ceo arrere al vn plus hault & chare price, en Faires, Markets, ou tiels semblables lieux: de q̄ vide l'estature 5. E. 6. cap. 14. car il serra puny cōc Forfeiter.

381 Reioynder  
Reioynder, is when the defendant maketh answer to the replication of the plaintife.

Reioinder.  
Reioynder, est quāt le defendant fait respons al replication del plaintife.

And every Reioynder ought to haue these two properties specially, that is to say, it ought to bee a sufficient answer to the replication, & also to follow and enforce the matter of the barre.

Et chescun Reioynder doyt auer ceux deux properties specialment, cest asscauoir, il doit estre vn sufficient respons al replication, & auxy de subsequer & enforcer le mat̄r del bar̄.

382 Relation.  
Relation, is a terme in law, where, in consideration of law, two times, or other things, are considered so, as if they were al one, and by this the thing sublequent is saide to take his effect, by relation,

Relation.  
Relation, est vn terme en ley, lou, en consideration del ley, deux temps, ou autres choses, sont consideres tielsmt, come si sue- ront tout vn, & per ceo le chose sublequent est dit de p̄dict son force, p̄ relation al



## The Exposition of

al temps precedēt: Sicome vn deliuer vn escript al vn destre deliuer al autre com fait cestuy que ceo deliuer, quant l'autre, a que serroyt deliuer, ad pay ascun summe de money, ore, quāt le money est pay, & l'escript deliuer, ceo serra repute cōc fait cestuy que ceo deliuer, al temps quant suit primes deliuer. Et issint petitions de parlement, as queux le Roy assent al darrein iour del parlement, aueront relation, & prendront leur force del premier iour del commencement del parlement. Et issint est de diuers autres choses semblables.

383

### Release.

**R**elease, est le don ou discharge del droyt ou action que ascū eir ou claim enuers autre, ou son terre.

Et le release de droit est cōmunemēt fait quant vn fesoit vn fait a vn autre per ceux ou tielx parolx, Remisse, relaxasse, & omni no pro me & hered meis quietū clamasse A. B. totū ius meum quod habui, ha-

at the time preceding: As if one deliuer a writing to one to be deliuered to another, as the deede of him who deliuered it, when the other, to whom it shoulde be deliuered, hath payde a summe of money: Nowe, when the money is payde, & the writing deliuered, this shalbe taken as the deede of him who deliuered it, at the time when it was first deliuered. And so petitions of parliament, to which the King assents on the last day of parliament, shal relate & be of force from the first day of the beginning of the parliament. And so is it of diuers other like things.

### Release.

**R**elease, is the giuing or discharging of the right or action which any hath or claimeth against another, or his land.

And the release of right is cōmonly made whē one maketh a deede to an other by these or like wordes, Remised, released, & utterly for mee & my heires quite claimed to H. B. all my right that I haue, or by any

any means may haue here after in one mesuage &c. But these wordes (whatsoeuer I may haue hereafter) bee void: For if the father be disseised, and the sonne release by his deede of release without warranty all his right, by those wordes (whatsoeuer I may haue hereafter &c.) & the father dieth, the son may lawfully enter in the possession of the disseisor.

Also in a release of right it is needfull that hee to whom the release shall be made, haue a freehold, or a possession in the landes in deede or law, or a reversion, at the time of the release made, for if hee haue nothing in the land at the time of his release made, the release shall not bee to him available. See moze hereof in Litt. lib. 3. cap. 8.

384 Reliefe.

Reliefe, is sometimes a certaine summe of money that the heire shall pay to the Lord of whom those landes are holden, which after the decease of his ancestor are to him descended as next heire, Orme

beo, seu quouismodo in futurum habere potero in vno mesuagio &c. Mesceux parolx (quouismodo habere potero) sont voids: Car si le pere soit disseise, & le fitz release p son fait de releas sans garrantie de tout son droit, per ceux parolx (quouismodo in futurum habere potero &c.) & le pere morust, le fitz poit loyamment enter sur le possession le disseisor.

Ausy en vn release de droit il couient que il a que release serra fait, ad vn franktenement, ou vn possession en les terres en fait ou en ley, ou vn reversion al temps de le release fait, car sil nad riens en le terre al temps de release fait, le releasene serra a luy available. Vide plus de ceo Littleton lib. 3. cap. 8.

Reliefe.

Reliefe, est ascun foits vn certaine summe de money que le heire payera al Seignour de que ceux terres sont tenus, queux apres le decease de son auncetour sont a luy discende come procheine heire, Ascun

## The Exposition of

cun foits il est le payment  
dun autre chose, & nemy  
money: Et pur ceo reliefe  
nest certaine, & semblable  
pur toutes tenures, mes  
chescun sundry tenure ad  
(pur le plus part) son spe-  
cial Reliefe certaine en luy  
mesme. Neque est ceo  
desire paie tous foits al  
vn certaine age, mes il va-  
rie en ceo auxy accordant  
al tenure. Come si le tenât  
ad terres tenus per seruice  
de chivaler (forspris graūd  
Serieantie) & morust, son  
heire estant de pleine age,  
& tient ses terres per le  
seruice dun entier fee de  
chivaler, le Seignieur de  
que ceux terres sont issint  
tenus, auera del heire C. s.  
nomine Releuij, & si il ti-  
ent per meins q̄ vn fee de  
chivaler, il paiera meins,  
& si plus, donques plus,  
ayant respect tous foits  
al rate pur chescun fee de  
chivaler vn cent souz: Et  
si tient per graūd Seriean-  
tie (que est tous foits  
del Roy, & est auxy ser-  
uice de chivaler) don-  
ques le Reliefe serra le va-  
lue del terre per an, pre-  
ter toutes charges issuant

times it is the payment of  
an other thing, & not mo-  
ney: And therfore reliefe  
is not certaine, and alike  
for all tenures, but every  
sundry tenure hath (for the  
most part) his speciall Re-  
liefe certain in it self. Nei-  
ther is it to bee paid al-  
wayes at a certaine age,  
but varieth therein also ac-  
cording to the tenure. As  
if the tenant hath lands  
holden by Knights ser-  
uice (except graund Ser-  
teantie) and die, his heire  
being at full age, and held  
his lands by the seruice of  
a whole knights fee, the  
lord of whom these lands  
are so holden, shall haue of  
the heire C. s. in the name  
of the Reliefe, & if he held  
by lesse then a knights fee,  
he shall pay lesse, & if moze,  
then moze, hauing respect  
alwayes to the rate for  
every knights fee an hun-  
dred shillings. And if he  
held by graund Seriean-  
tie (which is alwayes  
of the King, and is also  
knights seruice) then the  
reliefe shall be the value of  
the land by the years, be-  
sides all charges issuing  
out

out of the same. And if the landes bee holden in petit Sericantie, or in socage, then for the reliefe the heir shall pay at one time, as much as hee ought to pay yearly for his seruice, which is commonly called the doubling of the rent.

And if a man hold of the King in chiefe, and of other Lordes, the King shall haue the ward of all the lands, & the heire shall pay reliefe to al the Lordes at his full age: but the Lordes shal sue to the king by Petition, and shal haue the rent for the time that the Infant was in ward.

And note, that alwayes when the Reliefe is due, it must be paid at one whole payment, & not by parts, although that the rent bee to bee paid at seuerall feasts.

358 Remainders.

**R**emainder of land is the land that shall remaine after the particuler estate determined: As if one graunt land for terme of yerres, or for life, & remainder to A. B. that is to say,

hors de ceo. Et si le terre soit tenu en petit Sericantie, ou en Socage, donques pur le reliefe le heire payera al vn foirs taunt que il doit payera annuelment pur son seruice, quel est communement appelle le doubling del rent.

Auxy si home tient de le Roy en chiefe, & des autres Seignours, le Roy auera le garde de tous les terres, & le heire payera Reliefe a tous les Seignours a son pleine age, mes les Seignours suera al Roy per Petition, & aueront le rent pur le temps que le Enfant fuit en garde.

Et nota, que tous foirs quant le Reliefe est due, il doit esse paie al vn entier payment, & nemy per parts, nient obstant que le rent soit destte pay al seueral feastes.

Remainders.

**R**emainder de terre est le terre que remainera apres le particuler estate determine: Come si vn graunt terre pur terme de ans, ou pur vie, le remainder al I. S. cest adire, que

# The Exposition of

que quant le lease pur ans  
est determine, ou le lease  
pur vie est mort, que don-  
ques le terre remainera,  
serra, ou abide, oue, al, ou  
en I.S. Vide Reuersion.

386 Rmitter.

**R**emitter, est quaut vn  
home ad deux titles a  
ascun terre, & il vient al  
terre per le darreine title,  
vncore il serra adiudge  
eins per force de son plais  
eigne title, & ceo serra dit  
a luy vn Rmitter: Come  
si tenant en le taile discon-  
tinua le taile, & puis dis-  
seise son discontinuee &  
morust ent leise, & les ter-  
res discendent a son issue  
ou cosin enheritable per  
force del taile, en ceo case  
il est en son Rmitter, cest  
ascavoir, seise per force  
del taile, & le title del dis-  
continuee est ousterment  
anient & defeate, Et le rea-  
son & cause de tiel remit-  
ter est, pur ceo q' tiel heire  
est tenant del terre, & nest  
ascun person tenant vers  
que il poit suer son brieve  
de Formedone pur reco-  
uer le estate taile, car il  
ne puit auer action vers  
luy mesme,

that when þ lease for yerres  
is determined, or lease for  
life is dead, that then the  
land shall remaine, shal be,  
or abide, with, to, or in I.  
S. See Reuersion.

Rmitter.

**R**emitter, is when a man  
hath two titles to any  
land, & he cometh to the  
land by the last title, yet he  
shall be iudged in by force  
of his elder title, and that  
shall be said to him a Re-  
mitter: As if the tenant in  
the taile discontinue the  
taile, & after disseiseth his  
discontinuee & dieth there-  
of seised, & the lands dis-  
cendeth to his issue or co-  
sin inheritable by force of  
the taile, in that case hee is  
in his Rmitter, that is to  
say, seised by force of the  
taile, & the title of the dis-  
continuee is utterly ad-  
nulled & defeated, and the  
reason & cause of such re-  
mitter is, for that that such  
an heir is tenat of the lād,  
& there is no person tenat  
against whom he may sue  
his writ of Formedon for  
to recouer the estate taile,  
for he may not haue an ac-  
tion against himselfe,

Also if tenant in the tail infeoffe his fonne oz heyre apparant in the tail & which is within age, and after death, that is a Remitter to the heire: But if he were of full age at the time of such seoffment, it is no Remitter, for that that it was his folly, that he bring of full age, would take such a seoffment.

Also if the husband alien lands that he hath in the right of his wife, and after take an estate againe to him and to his wife for terme of their liues, that is a Remitter to the woman, for that that this alienation is the act of the husband, & not of the woman, for no folly may be aduinged in the woman during the life of her husband: But if such alienation be by fine in court of record, such a taking againe afterward to the husband & wife for terme of their liues shall not make the woman to be in her remitter, for that in such a fine the woman shall be examined by the Judge, & such examination in fines shall exclude

Auxy si teneant en le taile enfeoffa son firs ou heire apparant en le taile q est deins age, & puis de vie, ceo est vn remis al hi: Mes si il suit de pleine age al temps de tiel seoffment, il nest Remitter, pur ceo que il suit son folly, que il esteut de pleine age, voyle prender tiel seoffment.

Auxy si le baron alien re que il ad en le droyt son feme, & puis reprist estate a luy & a son feme pur terme de leur vies, ceo est vn Remitter al feme, pur ceo que cest alienation est le act le baron, & ne my la & de la feme, car nul folly poit este aduudge en feme durant le vie le baron: Mes si tyel alienation soyt per fine en Court de Recorde, tiel repriset apres al baron & feme pur terme de leur vies, ne terra la feme deslire en sa Remitter, pur ceo que en tyel fine la feme terra examine per le Judge, & tyelx examinations en Fines excluderont tielx

# The Exposition of

tiels femes a tous iours.

Auxy quant le entre de  
ascun home est congeable,  
& il prist estat a luy quant  
il est de plein age, sine soit  
per fait endente, ou matter  
de record, que luy estoppe-  
ra ceo serra a luy bon Re-  
mitter.

387

Rents.

Rents sont en diuers ma-  
ners, cestascavoir, Rent  
seruice, Rent charge, &  
Rent charge.

Rent seruice, est lou le  
tenant en fee simple tient  
sa terre de son S<sup>r</sup> per fe-  
altie & certains rent, ou  
per autre seruice & rent, &  
doncs si le rent de le ten<sup>t</sup>  
soyt arere, le S<sup>r</sup> poit di-  
straine pur le rent: Mes  
pur ceo il iammais nauera  
action de debt.

Auxy si ieo done terres  
en le taile a vn home pay-  
ant a moy certain rent, ore  
tiel rent est rent seruice:  
Mes en tiel case il couient  
que le reuersion soyt en le  
donor, Car si home fait  
feoffement en fee, ou vn  
done en taile, le remain-  
der ouster en fee sans fait,  
reseruant a luy vn rent,  
tiel reseruatiou est voyde,

such women for euer.

Also when the entre of  
any m<sup>a</sup> is lawfull, & he ta-  
keth an estat to him when  
he is of full age, if it be not  
by deed indented, or matter  
of record, which shall stop  
him, that shall be to him a  
good Remitter.

Rents.

Rents bee in diuers ma-  
ners, that is, Rent ser-  
uice, Rent charge, & Rent  
seck.

Rent seruice, is where  
the tenant in fee simple  
holdeth his lande of his  
Lord by fealtie & certayne  
rent, or by other seruice &  
rent, and then if the rent of  
the tenant bee behind, the  
Lord may distrain for the  
rent: But for that he shall  
not haue an action of debt.

Also if I giue land in  
taile to a man paying to  
me certaine rent, then such  
rent is rent seruice: But  
in such case it behooueth  
that the reuersion be in the  
donor: For if a man make  
a feoffmēt in fee, or a gift  
in tail, the remainder ouer  
in fee without deed, reser-  
uing to him a certain rent,  
such reseruatiou is voyde,  
and

and that is by the statute  
Quia emptores terrarum,  
and then hee shall hold of  
the Lord of whom his do-  
nour held.

But if a man by deed  
indentured at this day make  
such gift in taile, the re-  
mainder ouer in fee, or  
lease for terme of life, the  
remainder ouer, or a fee-  
ment, & by the same inden-  
ture reserve to him rent, &  
that if the rent be behind,  
that well it is lawfull to  
him to distraine, then such  
rent is rent charge.

But in such case, if there  
be not any such clause of  
distresse in the deed, then  
such rent is called rent seck,  
& for such rent seck he shal  
neuer distraine, but if he  
were once seised, hee shall  
have assise, & if he were not  
seised, he is without remedy.

And if one graunt a  
rent going out of his land  
with clause of distres, that  
is rent charge, and if the  
rent be behind, the graun-  
tee may chuse to distraine  
or sue a writ of Annuite,  
but he cannot have both,  
for if hee bring a Writ of  
Annuite, then the land is

& ceo est per force del sta-  
tute Quia emptores terra-  
rum, & donques il tiendra  
de le Seignior de que son  
donour tenoit.

Mes si home per fait in-  
dent a cel iour fait tiel do-  
ne en le taile, le remainder  
ouster en fee, ou lessa p  
terme de vie le remainder  
ouster, ou vn feoffement,  
& per mesme l'indenture  
reserve a luy vn rent, &  
que si le rent soyt arriere, q  
bien liroit a luy a distrai-  
ner, ore tiel rent est rent  
charge.

Mes en tiel case, si la ne  
soyt aucun tiel clause de  
distresse en le fait, donques  
tiel rent est appel rent seck,  
& pur tiel rent seck, il ne  
iammais distraînera, mes  
si fuit vn foits seisi, il auera  
Assise, & si il iamment  
fuit seisi, est sans remedy.

Auxy si vn graunt vn  
rent issuant hors de la terre  
oue clause de distresse, cest  
vn rent charge, & si le  
rent soit arriere, le graunte  
poyt eslier de distraîner ou  
suer vn briefe Danuicie,  
mes il ne poyt auer ambia-  
deux, car sil port briefe de  
Annuity, doncs le terre est



# The Exposition of

discharge . Et sil distraint  
& auowe le prilell en  
Court de recorde , don-  
ques le terre est charge, &  
le person del grauntor dis-  
charge.

Auxy si vn grant vn rent  
charge, & le graunttee pur-  
chase le moitie, ou alcun  
auter part ou parcel de le  
terre, de quelque petite va-  
lue que il soyt, donqs tout  
le rent est extinct.

Mes en rent seruice si le  
Seignior purchase parcel  
del terre donques le rent  
serra apporcion.

Mes si vn ad vn rent  
charge, & son pere pur-  
chase parcel del terre, &  
cel parcel discende a le  
fils que ad le rent charge,  
ore cel rent serra appor-  
cion selonque le value del  
terre, come est dit de rent  
seruice, pur ceo que le fils  
ne vient a ceo per son  
a& demesne, mes per dis-  
cent.

Auxy si ieo face vn lease  
pur terme dans reseruant  
a moy vn certaine rent  
cest appel vn rent seruice,  
& pur ceo il est a mon li-  
bertie a distrainer pur le  
rent, ou auer vn action de

discharged . And if he dis-  
traine and auow the tan-  
king in the Court of re-  
cord, then the land is cha-  
ged, and the person of the  
grauntoz discharged.

Also if one grant a rent  
charge, and the graunttee  
purchaseth halfe, or any  
other part or parcel of the  
land, of whatsoeuer small  
value it be, then al the rent  
is extinct.

But in rent seruice if  
the Lord purchase parcel  
of the land, then the rent  
shall be apporcioned.

But if one hath a rent  
charge, & his father pur-  
chase parcel of the land,  
and that parcel discendeth  
to the sonne which hath  
the rent charge, then the  
rent shall be apporcioned  
according to the value of  
the land, as it is said of rent  
seruice, for that that the son  
cometh to that not by his  
owne act, but by descent.

Also if I make a lease  
for terme of yeares reser-  
uing to me a certaine rent  
that is called a rent ser-  
uice, & for that it is at my  
libertie to distraine for the  
rent, or to haue an action of  
debt,

debt, but if the lease be determined, and the rent be behind, then I cannot distraine, but shall be put to my action of debt.

And note well, that if the Lord be seised of the service & rent before said, and they be behind, and he distraine, and the tenant recueth the distress, he may have Assise, or a writ of Rescous, but it is more necessary for him to have assise, than a writ of Rescous, for that by assise he shall recover his rent & his damages, but by a writ of rescous he shall not recover but damages, & the thing distrained shall be repaid.

And note well, that if the Lord be not seised of the rent and service, and they be behind, and he distraine for them, and the tenant take againe the distress, he shall not have Assise, but a writ of Rescous, and the Lord shall not need to shew his right.

And note well, that if the Lord may not find a distress by two years, he shall have against the tenant a writ of Cessavit p bien-

det, mes si le lease soit determine, & le rent soit arriere, donques ico ne puisse distraire, mes serra mis a son action de Dette.

Et nota, que si le Seigneur soit seise des services & rent auantdis, & ils soient aderere, & il distraire, & le tenant recuue le distress, il poit auer Assise, ou brieve de Rescous. Mes il est plus necessarie pur luy de auer Assise, que brieve de Rescous, pur tant que per Assise il recouera son rent & ses dammages, mes per cest brieve de Rescous il ne recouera mes damages, & le chose distraire serra reprise.

Et nota, que si le Seigneur ne soit my seise del rent & service, & ils sont aderere, & il distraire pur eux, & le tenant reprent le distress, il ne poit my auer Assise, mes brieve de Rescous, & ne couient my al Seigneur de monstre son droit.

Et nota que si le Seigneur ne poit my trouver distress per deux ans, il auera vers le tenant brieve de Cessavit per bien-

# The Exposition of

num, vt patet per leſta-  
ture de Weſtminſter 2.  
cap. 21. Et ſi le tenant de-  
uie en le meane temps, &  
ſon iſſue enter, le Seig-  
niour auera vers le iſſue  
brieſe de Entre ſur Ceſſau-  
nit, ou ſi le tenaunt alien,  
le Seignior auera vers le  
alienec le auantdit brieſe.  
Mes ſi le Seignior ad iſſue  
& deuie, & le tenaunt  
ſoit en arrerages del dit  
rent & ſeruices en le temps  
le pere del iſſue, & nemy  
en le temps del iſſue, il ne  
poit my diſtraine pur ar-  
rerages en temps ſon pier,  
& nauera aſcun auter re-  
couerie vers le tenaunt  
ou aſcun auter, pur ceo  
que tiel aduantage eſt  
done per le ley al tenant.  
Et nota, que rent ſeruice  
eſt ceo a quel appent feal-  
tie, mes a rent charge  
& rent ſecke ne appent  
pas fealtie, mes il appent  
a rent ſeruice de common  
droit.

Et nota, ſi home di-  
ſtraine pur rent charge,  
& le diſtreſſe ſoit reſcued  
de luy, & il ne fuit my  
ſeſſie adeuaunt, il ne ad  
my recouerie forſque per

num, as it appeareth by  
the ſtatute of Weſt. 2. ca.  
21. And if the tenant dye  
in the meane time, and his  
iſſue enter, the Lord ſhall  
haue againſt þe iſſue a writ  
of Entre vpon Ceſſauit, or  
if the tenant alien, the lord  
ſhall haue againſt þe alienor  
the forſaid writ. But if  
the Lord haue iſſue & dye,  
and the tenant be in arre-  
rages of the ſaid rent and  
ſervice in the time of the  
father of the iſſue, and not  
in the time of the iſſue, he  
may not diſtraine for the  
arreages in the time of  
his father, & he ſhall haue  
none other recouerie a-  
gainſt the tenant or any  
other, for that that ſuch ad-  
uantage is giuen by þe law  
to the tenāt. And note wel,  
that rent ſervice is that to  
the which belongeth feal-  
ty, but to rēt charge & rent  
ſecke belongeth not fealty,  
but it belongeth to rent  
ſervice of common right.

And note, that if a man  
diſtraine for rent charge, &  
the diſtres be takē againſt  
his will from him, and he  
was neuer ſeiſed befoze, he  
hath no recouerie but by  
writ

Writ of Rescous, for the distress first taken giueth not to him seisin, only if he hap the rent befoze, for if hee were seised of the rent befoze, and after the rent bee behind, & he distraine, & rescous to him be made, he shall haue Aflise, or a writ of Rescous.

And note well, that in euery assise of rent charge and annuall rent, or in a writ of Annuittie, it beho- neth to him that bringeth the writ, to shew forth an especialtie, or else hee shall not maintaine the Aflise. But in an Assise of Mort- dauncestor, or Formedon in the discender, or other writs (in the which title is giuen or comprised) brought of rent charge, or annual rent, it needeth not to shew the especialty.

And note well, that if a man graunt a rent charge to an other, & the grauntee releas to the grantor parcel of the rent, yet all the rent is not extinct.

And note well, that if rent charge bee granted to two iointly, and the one release, yet the other shall

briefe de Rescous, car le dist elle primerment fait ne done a luy seisin, forsque fil happe le rent adeuant, car fil fuit seisie del rent adeuant, & puis le rent soit aderere, & il distraigne, & rescous a luy soit fait, il auera Aflise, ou briefe de Rescous.

Et nota, que en chescun assise de rent charge & annual rent, ou en vn b're de Annuittie, couient a ce'luy que port le briefe, de mon- stre auant vn especialtie, ou autrement il ne main- teinera le Aflise. Mes en Assise de Mortdauncestor, ou Formedon en le discen- der, & auters briefes (en les queux title est done ou comprise) port de rent charge, ou de annual rent, n'est my besoigne de mon- stre especialtie.

Et nota bien, q' si home grant rent charge a vn au- ter, & le grauntée releffa al grantor parcel de le rent, vncore tout le rent n'est ex- tinct.

Et nota bien, que si rent charge soit graunt a deux iointment, & le vn releffa, vncore le auter

### The Exposition of

auera le moitie del rent.  
Et auxy si lun purchase le  
moitie de le terre dont le  
rent est issuant, l'auter au-  
ra le moitie del rent de son  
compaignon: Et si le dis-  
seisor charge la terre a vn  
estranger, & le disseisee  
port le Assise & reco-  
uer, le charge est defait.  
Mes si celuy que ad droit,  
charge la terre, & vn  
estranger faine vn faux  
action enuers luy que nad  
droyt, & recouer per  
default, le charge de-  
murra.

Et nota bien, que en case  
que pur partie soit peren-  
ser deux parceners, & plu-  
is terre soit allotte a lun  
que a l'auter, & el que  
ad plus del terre, charge  
sa terre al auter, & el  
happe le rent, el main-  
tynera Assise sans especi-  
alite.

Et est vn rent secke, lou  
home tyent de moy per  
homage, fealite, & auter  
seruices, tendant a moy vn  
certaine rent per an, & ieo  
grannt cest rent a vn auter,  
referuant a moy les serui-  
ces.

Et nota bien, que si rent

haue the halfe of the rent.  
And also if the one pur-  
chase the halfe of the land  
whereof the rent is going  
out, the other shal haue the  
halfe of the rent of his com-  
panion: and if the disseisor  
charge the land to a stran-  
ger, and the disseisee bring  
an Assise and recouer, the  
charge is defeated. But if  
he that hath right, char-  
geth the land, & a stranger  
faine a false action against  
him which hath no right,  
and recouereth by default,  
the charge abiderh.

And note well, that in  
case that particion bee be-  
twene two Parceners, &  
more land bee allowed to  
one then to the other, & she  
that hath most of the land,  
chargeth her land to the  
other, & shee happeneth the  
rent, she shal maintain As-  
sise without especialtie.

And it is a Rent secke,  
where a man holdeth of  
mee by homage, fealite, and  
other seruice, paylding to  
mee a certaine rent by the  
yeare, and I grannt this  
rent to an other, referuing  
to mee the other seruices.

And note well, that it ret  
secke

seck be graunted to a man and to his heires, and the rent bee behinde, and the grantor die, the heire may not distraine nor shall recouer the arrerages of the time of his father, as it is befoze saide of rent service.

And in the same maner it is to say of rent charge or annuall rent: But in all these rents befoze saide the heire may haue for the arrerages in his own time such aduantage as his father had in his life. See the Statute 31. Hen. 8. Cap. 37.

And note well, that in rent secke, if a man be not seised of the rent, and it be behind, hee is without recouerie, for that that it was his owne folly at the beginning when the rent was graunted to him or reserued, that he tooke not seisin of the rent, as a penny or two pence.

And note well that a man may not haue a Cessauit per biennium, or another writ of Entre sur Cessauit for no rent secke behind by two yeares, but

seck soyt grant a vn home & a les heires, & le rent soyt aderere, & le grauntour deuye, le heyre ne purra my distrainer, ne recouera les arrerages de temps son pere, licome est auantdit de rent service.

Et en mesme le maner est adire de rent charge ou annuall rent: Mes en tous les rents auantdits le heire purroit auer pur arrerages en son temps demesne tiel aduantage come auoyt son pere en sa vie. Vide Statutum 31. Hen. 8. cap. 37.

Et notez que en rent secke, si home ne soynt seise del rent, & il soit aderere, il est sans recouerie, pur ceo que il fuit son folly demesne adeprimes quant le rent soit graunt a luy ou reserue, que il ne prist my seisin del rent, si come vn denier ou deux.

Et nota que home ne poyt my auer Cessauit per biennium, ou vn autre brieve dentre sur Cessauit pur nul rent secke a lerere per deux ans, mes

# The Exposition of

ils purront tantselemẽe pur  
rent seruice, vt patet en le-  
statute W. 2. c. 21.

only for rent seruice, as it  
appeareth in the Statute  
W. 2. c. 21.

Et nota que en rent  
seck il couient pur luy que  
sue pur le rent secke pur  
monstre fait al tenaunt, ou  
auterment le tenaunt ne  
serra my charge del rent,  
forsque lou le rent secke  
fuit rent seruice adeuaunt,  
come en cest case : Seig-  
niour, mesne, & tenaunt,  
& chescun de eux tient de  
auer per homage & feal-  
tie, & le tenaunt del mes-  
ne per x. s. de rent, le Seig-  
niour paramount purchase  
les terres ou reuementes  
del tenaunt, tout le Seigni-  
ory, del mesne, forspise le  
rent est extinct : Et pur  
cest cause cest rent est  
deuenus rent secke, & le  
rent seruice change, car il  
ne poyt distraire pur cest  
rent, & en cest case ce-  
luy que demanda le rent  
ne serra iammes charge de  
monstre fa- r.

And note well that in  
rent secke it behoueth him  
that sueth for the rent seck  
for to shewe a dede to the  
tenaunt, or els the tenaunt  
shall not be charged with  
the rent, but where the  
rent seck was rent seruice  
before, as in this case:  
Lord, meine, and tenaunt,  
and euery of them holdeth  
of other by homage & feal-  
tie, and the tenaunt of the  
meine by x. s. of rent, the  
Lord paramount purcha-  
seth the lands or tenements  
of the tenant, all the seig-  
norie of the meine but the  
rent is extinct : And for  
this cause this rent is be-  
come rent secke, and the  
rent seruice changed, for  
hee may not distraire for  
this rent, and in this case  
he that demaundeth the  
rent shal neuer be charged  
to shew a ded.

Anxy en brieft de Mor-  
dancer, Aile, ou Besaile,  
de rent secke, il ne besoign  
de monstre especialtie,  
pur ceo que ceux brieftes

Also in a writ of Mor-  
dancer, Aile, or Betaile,  
of rent secke, it needeth  
not to shewe a specialtie  
for that these writtes  
of

of possession doe comprehend a title within themselves, that is to say, that the aunccestour was seised of the same rent, and continued his possession, because of which seisin the law supposeth that it is also auerrable by the countrey.

Yet learne, for some suppose that it behooveth of necessitie to shewe forth a dede, for that that rent seck is a thing against common right, as well as rent charge.

But in Assise of Nouel disseisin, and in a writ of Entre sur disseisin brought of rent seck, it behoueth of necessitie to shewe forth a dede, for that that rent seck is a thing against a common right, except in the case before said, where it was rent seruice before, and by the act of law it is become a rent secke.

And assise of Nouel disseisin, and a writ of Entre sur disseisin, contain within them no title, but suppose a disseisin to be done to the plaintife, and of the intendment of the lawe,

de possession comprehendont vn title deins eux mesmes, c'est alcauoir, que le aunccestour fuit seisi de mesme le rent, & continua son possession, per cause de quel seisin le ley suppose que est auxy auerrable per la pays.

Tamen quere, car alcuni supposant que il couient a fine force a monstre auant fait, pur ceo que rent seck est vn chose encounter comun droit, auxibien come rent charge.

Mes en Assise de Nouel disseisin, & en brieve de Entre sur disseisin port de rent seck, il couient de fine force de monstre auant fait, pur ceo que rent seck est vn chose encounter comun droit, si non en le case suisdit, ou il fuit rent seruice adeuant, & per l'act del ley est deuenus rent secke.

Et Assise de Nouel disseisin, & brieve de Entre sur disseisin, ne conteigne deins eux nul title, mes supposant vn disseisin deste fait a le plaintife, & de entendment del ley,  
le



# The Exposition of

le disseisin ne done nul  
cause de auerement en-  
counter cōmon droit, mes  
de fine force il mo.stra  
auant especialtie.

388 Repleuin.

**R** Repleuin, est vn brieve,  
& gist quauant ascun  
home distraine vn auter  
pur rent ou auter chose,  
donques il auera cest  
brieve al Vicount pur de-  
liuer a luy le distres, &  
trouera suertie de pur-  
suer son action, & si  
il ne pursua, ou si soit  
troue & iudged encoun-  
ter luy, donque cestuy  
que priit le distresse re-  
auera le distres, & cest ap-  
pelle retourne des auers, &  
il auera en tiel case brieve  
que est appelle Returno  
habendo.

Auxy si soynt en ascun  
franchise ou bayliwicke,  
le partie auera vn Reple-  
uin del Vicount direct al  
Bailife de mesme le fran-  
chise pur eux redeliuer, &  
il trouera suertie de pur-  
suer son action al pro-  
cheine countie. Et cest  
Repleuin poit estre re-  
moue hors del Countie  
en le Common bank per

the disseisin gyueth no  
cause of auerment against  
common right, but of ne-  
cessity it behoueth to shew  
forth a deed.

Repleuin.

**R** Repleuin, is a writ, and  
it lyeth where any man  
distraineth an other for  
rent or other thing, then  
he shall haue this writ to  
the Shyriſe to deliuer to  
him the distres, and shall  
find suertie to pursue his  
action, and if he pursue it  
not, or if it be found or  
iudged against him, then  
he that toke the distresse  
shall haue againe the di-  
stres, & that is called the  
returne of the beasts, and  
he shall haue in such case  
a writ that is called Re-  
turno habendo.

Also if it bee in any  
franchise or bayliwick, the  
party shall haue a Reple-  
uin of the Shyriſ directed  
to the Bayliſe of the same  
franchise for to deliuer  
them againe, & he shall find  
suerty to pursue his action  
at the next Countie. And  
this Repleuin may bee re-  
moued out of the County  
vnto the cōmon place by a  
writ

**Writ of Recordare.**

**I** take moze of Repleuin  
in the title Distres.

Also a writ of Homine  
replegiando lyeth where a  
man is in prison, & not by  
special cōmandemēt of the  
king, nor of his justice, nor  
for the death of a man, nor  
for the kings forrest, nor for  
such cause that is not re-  
pleuifable, then hee shall  
have this writ directed to  
the shirif, that he cause him  
to be repleuted: this writ  
is a Iusticies & not retour-  
nable, & if the shirife do  
it not, then there shall go  
forth an other writ, Sicut  
alias, & after ward an other  
writ, Sicut pluries, vel cau-  
sam nobis significes, which  
shal be retournable, & if the  
shirife yet make no reple-  
uin, then ther shal go forth  
an Attachmēt against the  
shirife, directed to the Co-  
roners to attach the shirif,  
& to bring him besoze the  
Iustices at a certain day, &  
furthermoze, & they make  
execution of the first writ.

389 Replication.

**R**eplication, is when the  
defendant in any action  
maketh an answer, & the pl

briefe de Recordare.

Vide plus de Repleuin  
deuant titulo Distres.

Auy briefe de Homine  
replegiando gist lou vn  
home est en prison, & ne-  
my per especial cōmande-  
ment le Roy, ne de ses Iu-  
stices, ne pur le mort de  
home, ne pur le forest le  
Roy, ne pur tiel causē que  
nelt repleuifable, donques  
il aucta cest briefe direct  
al vicont, que il luy faire  
este repleuie: Et cest briefe  
est vn Iusticies & nient re-  
tournable, & si le vicont ne  
ceo face, donques issera  
auter briefe, Sicut alias, &  
apres auter bñe Sicut plu-  
ries, vel Cautam nobis sig-  
nifices, que serra retournable,  
& si le Vicont vncore  
ne face repleuin, donques  
issera vn Attachement vers  
le Vicont, direct al Coro-  
ners dattacher le Vicont,  
& de luy amesner deuant  
les Iustices a vn certaine  
iur, & ouster ceo que ils  
sacent execution del pri-  
mer briefe.

Replication.

**R**eplication, est quant le  
defendāt en ascū action  
fait respons, & le plaintife  
fait

The Exposition of

fait vn respons a ceo, ceo maketh an answer to that,  
est appel le Replication that is called the Replica-  
del plaintife. tion of the plaintife.

390 Reprises.

**R** Eprises, are deductiōs, **R** Eprises, are deductiōs,  
payments, & duties, que payments, and duties,  
va annuelment, & sont pay that go yearely, & are payd  
hors dun manour: Come out of a manour: As rent  
rent charge, rent seck, pen- charge, rent seck, pensi-  
sions, corodies, annuities, ons, corodies, annuities,  
fees de Seneschals, ou Bai- fees of Stewards, or bail-  
lifes, & tiels sembles. lifes, and such like.

Resceit.

391 Resceit.

**R** Esceit, est quant ascun tion is brought against  
a<sup>n</sup> action est port vers te- the tenant for terme of life,  
nant pur terme de vie, ou or tenāt for term of yeris,  
tenant a terme dans, & & he in the reuerſion com-  
cestuy en la reuerſion vient meth in and prayeth to be  
eins & pria deſtre reſceiue receiued for to defend the  
pur deſende la terre, & pur land, & for to pleade with  
pleder ouesque le deman- the demaundant. And  
dant. Auxy quant il vient when hee commeth it be-  
il couient que il soit tous houeth that hee be alway  
foits priſt a pleder oue le ready to plede with the de-  
demaundant. En meſme maundant. In the ſame  
le maner vn feme ſerra maner a wiſe ſhal be recei-  
reſceiue pur default ſa ba- ned for  $\bar{h}$  default of her hus-  
ron en action port vers band in an action brought  
eux ambideux. Et auxy against them both. And  
tenaunt pur ans ſerra reſ- also tenant for yeris ſhall  
ceiue a deſende ſon droit, be receiued to defend his  
lou en vn action port vers right, where in an action  
tenant del franktenement brought against the tenāt  
il plede ſaintly. of the freſhold hee pleadeth  
ſaintly.

392 Ref-

392 Rescous.

**R**escous, is a w<sup>rit</sup>, and it lyeth w<sup>hen</sup> any man taketh a distres, & an other taketh it againe from him, & will not suffer him to carrie the distresse w<sup>ith</sup> him, then he doth to him Rescous, & vpon that he may haue this w<sup>rit</sup>, and shall recouer damages.

Also if one distraine beastes for damage fesant in his ground, & dyueth them in the high way for to impound them, and in going they enter into the house of him whose they be, & he w<sup>ith</sup>holdeth them there, and will not suffer the other to impound them, then that w<sup>ith</sup>holding is a Rescous.

393 Reseruatiō.

**R**eseruatiō, is taken diuers wayes, and hath diuers natures, as sometimes by way of exception to keepe that which a man had before in him: as if a lease be made for yeares of grounde reseruing the great trees growing vpon the same, now the lessee may not medle w<sup>ith</sup> them, nor w<sup>ith</sup> any thing that

Rescous.

**R**escous, est vn briefe, & gist quant ascun home prent distresse, & vn autre reprist le distresse de luy, & ne voile suffer luy de amesner le distres oue luy, donques il fait a luy Rescous, & sur ceo il poit auer cest briefe, & recouera damages.

Auxy si vn distrayne beaists pur damage fesant en sa terre, & les enchalea per le hault chemin pur eux enparker, & en alant ils entrent en le meason de ce-luy a que ils sont, & il eux derient la, & ne voile suffer l'auter de eux enparker, donques ceo detainer est Rescous.

Reseruatiō.

**R**eseruatiō, est prise diuers voyes, & ad diuers natures, come ascun foits per voy de exception de res. rue ceo que vn home ad deuant en luy: Come si vn lease soit fait pur ans de terre reseruant les graund arbors cresants sur ceo, ore le lessee ne poit medle ouesque eux, ne ouesque ascun chose que vient

## The Exposition of

vient per reason de eux, cy cōmeth by reason of them, longe co ne il demurt en, so long as it abideth in, or ou sur les arbors, come bypon the trees, as mastie of mast de Oke, chechnut, pomes, ou tiels semblables: Oke, Cheshnut, Apples, or such like: But if they Mes ius chient del arbors fall from the trees to the al terre, donques ils sont ground, then they are in en droit le lessés, car le right the lessés, for the terre est lessé a luy, & ground is let to him, and tout sur ceo nient reserue all thereupon not reserued &c.

Ascun fois vn reseruation obtaineth & port hors Sometimes a reseruation vn auter chose que ne fuit an other thing which was deuant: Come si vn home not befoze: As if a man leisa ses terres reseruand lease his lands reseruand annualment pur ceo xx. li. yearly for the same xx. li. &c. Et diuers auters tiels &c. And diuers other such reseruatiōs y sont. reseruatiōs there be.

Et nota, que en auncient And note, that in auncient temps, leur reseruatiōs were aswel (or for the fueront cibien (ou pur le moze part) in victuals, soit plus part) in victuals, soit ceo carne, pishe, bles, whether flesh, fish, coze, pane, boyer, ou auterment, byead, drinke, or what else, come en money, tanque al as in money, untill at the darreine, & especialmt en last, & that chielesly in the le temps del Roy Henry le raigne of King H. 1. by agreemēt, le reseruatiō of victuals was chaunged en prist money, come il ad into ready money, as it hath tanque cy continue. hitherto since continued.

394 Resignation.

Resignation, est lou vn Incumbent dun Eglise

Resignation.

Resignation, is where an Incumbent of a Church

resigneth or leaueeth to the Ordinarie, which did admit him to it, or to his successors, and that differeth from surrender, when by that he to whom the resignation is made, hath no interest in the thing so resigned, but hee to whom the surrender is made hath by that the thing it selfe by that surrender.

resigne ou relinquish al Ordinarie, queluy ayr admit a ceo, ou a ses successeurs, & ceo differt del surrender, quant per cel il a que le resignation est faic nad ascun interest en le chose issint resigne, mes cestuy a que surrender est fait auoit per ceo le chose mesme per ceo surrender.

395 Retraxit.

Retraxit, is the preterfectione of Retraho, compounded of Re and Traho, which make Retraho, to pull backe. And is when the partie plaintife or demaundant cometh in proper person into the Court where his plea is, and saith that he will not proceed any farther in the same &c. now this shal be a barre to þe action for euer.

Retraxit.

Retraxit, est le preterfectione de Retraho, compound de Re & traho, que signifie Retraho, pur euiller arriere. Et est quant le partie plaintife ou demaundant vient en proper person en le Court ou son suit est, & dit que il ne voit vltorius prosequi in placito illo &c. Ore ceo terra vn barre al action a toutes iours.

396 Reeue.

Reeue is an Officer, but moze knownen in auncient time then at this day: for almost euery manor had then a Reeue, and yet still in many Copyhold manors (where the old custom any thing preuaileth) the name & office

Reeue.

Reeue est vn Officer, mes plus conus en auncient temps que a cest iour: Car chescun mancur ad donques vn Reeue, & vncore en diuers Copyhold manours (ou le veyle cu Rome ascun chose preuaile) le nosme & office nest

# The Exposition of

nest en tout oblie: Et est  
en effect ceo que a ore  
chescun Bailife dun ma-  
nour practise, nient ob-  
stant le nosme de Bay-  
life ne fuit donques en  
vre enter nous, esteant  
puis port eins per les  
Normans: Mes le nosme  
de Recue auncientment  
appelle Gereue, quel par-  
ticle ( Ge ) en continu-  
ance de temps fuit ouster-  
ment omie & perde) vi-  
ent del Saxon parol Gere-  
fa, que signifie vn Ru-  
ler: Et issint verament son  
rule & auctoritie fuit  
large deins le compasse del  
mannour son Seignieur,  
& enter ses homes & te-  
nants, sibien en choses de  
gouvernement en peace &  
guerre, come en le skil-  
full vie & trade de hus-  
bandrie: Car sicome il  
colle&tes reuts del Seig-  
nour, paie reprises ou  
duties, issuant hors del  
mannour, appoint les ser-  
vantes de worker, succide  
& decoupe arbres pur re-  
pairer les edifices, & en-  
closures, ouesque diuers  
tiels semblables pur le  
commoditie del Seignior:

is not altogether forget-  
ten: And is in effect that  
which now euery Bay-  
life of a mannor practi-  
seth, although the name  
of Baylife was not then  
in vze a nong vs, being  
since brought in by the  
Normans: But the name  
of Recue aunciently cal-  
led Gereue, (which partic-  
cle (Ge) in continuance of  
time was altogether left  
out and lost) came from  
the Saxons word Gere-  
fa, which signifieth a Rus-  
ler: And so in dede his  
rule and auctoritie was  
large within the compasse  
of his Lordes manor, and  
among his men and te-  
nants, aswell in matters  
of gouernment in peace  
and warres, as in the skil-  
full vse and trade of hus-  
bandrie: For as he  
did gather his Lordes  
rents, pay reprises, or  
duties, issuing out of  
the manour, set the ser-  
uantes to worke, fell  
and cut downe trees to  
reparre the buyldinges,  
and inclosures, with  
diuers such like for  
his Lordes commoditie:

So also he had authoritie to governe and keepe the tenants in peace, & if need required, to lead the fourth in warre.

issint auxy il ad authority de gouverner, & garder les tenants en peax, & sil be-  
soigne, de conducer eux en guerre.

397 Reuerfion.

Reuerfion of land, is a certaine estate remayning in the lessour or donour, after the particular estate and possession conueyed to another by lease for life, or yeares, or gift in

tail:

And it is called a Reuerfion in respect of the possession seperated from it: so that he that hath the one, hath not the other at the same time, for being in one body together, there cannot be made a Reuerfion, because by the uniting the one of them is drowned in the other.

And so the reuerfion of land, is the land it selfe when it falleth.

398 Rior.

Rior, is where three (at the least) or more, doe some vnlawfull act: as to beate a man, enter vpon the possession of another, or such like.

Reuerfion.

Reuerfion de terre, est vn certaine estate remaynant en le lessor ou donour, apres le particulier estate & possession conuey al vn autre p lease pur vie, ou ans, ou done en taile.

Et est appel vn Reuerfion en respect de le posselsion sepeare de ceo: issint que il que ad le vn, nad le autre a mesm le temps, car esseant en vn corps simul, la ne poit este dit vn reuerfion, pur ceo que per le vniting lun est merge en l'autre.

Et issint le reuerfion del terre, est le terre in quant il elchueft.

Rior.

Rior, est lou trois (al meines) ou plures font ascun illoyall act: come de bater vn home, entre sur le possession dun autre, vel huiusmodi.



# The Exposition of

399

## Robbery.

**R**Obbery, est quaut vn home prent alcú chose del person dun auter feloniously, coment que la chose prise ne soyt al value forsque dun denier, vncore il est felony, pur quel le offender suffera mort.

## Robberie.

**R**Obberie, is when a man taketh anie thing from the person of another feloniously, although the thing so taken bee not to the value but of a pennie, yet it is felony, for which the offender shall suffer death.

400

## Rout.

**R**Out, est quaut people assemble eux mesmes, & puis procedant, ou chiuanchant, ou alant auant, ou mouent per instigation de vn ou plusors, que est conduct de eux: Cest appel vn Rout, pur ceo que ils mouent, & proceed en routs & numbers.

Item ou plures assemble eux sur leur quarels & braules demelne: come si les inhabitants dun Ville viole assembler eux, pur debrufer huys, mures, fosses, pales, ou tiels semblables dauer common la, ou de bater vn auter que ad fait al eux vn common displeasure, vel huiusmodi, cest vn Rout & encounter le ley, coment que ils nont fait ou mis en execution leur male en-

## Rout.

**R**Out, is when people do assemble themselves together, and after do proceed, or ride, or goe forth, or do moue by the instigation of one or more, who is their leader: This is called a Rout, because they do moue and proceed in routs and numbers.

Also where many assemble themselves together upon their own quarels and braules: as if the inhabitants of a town wol gather themselves together, to breake hedges, pales, or such like, to haue common there, or to beat another & hath done to them a common displeasure, or such like, that is a Rout, & against the law, although they haue not done or put in execution their mischievous intent.

tent. See the statute 1. Ma. cap. 12.

401 Sake.

Sake, this is a pleé and correction of trespasse of men in your court, because (Sake) in English, is Ache-son in french, & sake is put for sicke, as to say for sicke, sake, also for what hurt, & sake is put for for-

402 Scire facias. (sai.

Scire facias, is a writ iudiciall going out of the record, & it lieth where one hath recovered debt or damages in the R. court, & he sueth not to haue executiõ within the yeare & the day, then after the yeare & the day he shall haue the said writ to warne the party, & if the party come not, or if hee come & nothing say to discharge or stay the execution, then he shall haue a writ of Fieri facias directed to the Shirik, him comāding that he leuie the debt or damages of the goods of him that hath lost.

Also the writ of Fieri facias lyeth within the yeare without any Scir fac' sued.

Also if the summe of the same debt or damages

tent. Vide lestatute 1. Ma. cap. 12.

Sake.

Sake, hoc est placitum & emenda de transgē hominum in curia vestra, quia (Sake) Anglicè, est Ache-son Gallicè, & Sake est mis-  
pur Sick, & dicitur pur sick, sake, idem qd' pur q̄l ache-son, & sake dicitur pur forfair.

Scire facias.

Scire facias, est vn briefe iudiciall issuant hors de record, & gist lou vn ad recouer dette ou damma-  
ges en court le Roy, & il ne sue pas dauer execu-  
tion deins lan & le iour, donques apres lan & iour il auera le dit briefe a gar-  
ner le partie, & si le partie ne vient, ou si vient & ne scauoir riens dire encoun-  
ter execution, donques il auera vn briefe de Fieri facias direct al Vicount, luy commaundant que il leuie le dette ou les dama-  
ges des biens cely que ad perdue.

Auxy le briefe de Fieri facias gist deins lan sans aucun Scire facias suer.

Auxy si le summe de mes-  
me le dette ou damages

Z ij.

no

### The Exposition of

ne poit este leuie des biens celuy que auoit perdue, donques il poit auer vn brieve de Elegit direct al Vicount, que il face luy deliuer la moitie de sa terre & biens, except ses boues & affres de sa carue.

Auxy quant vn ad recouer dette ou damages en action personal (lou le proces est vn Capias) il poit auer vn autre brieve de Execution appelle Capias ad satisfaciendum pur prendre le corps celuy que est issint condempne, que terra committe al prison, illoques a demurer sans baile ou mainprise, tanque il ad satishe le partie.

Auxy quant vn ad iudgement de recouer ascun terres ou tenements, il auera vn brieve appelle Habere facias seisinam direct al vicount, luy commaundant de deliuer a luy seisin de meisme le terre issint recouer. Vide plus de ceo en le title Fieri facias, & en le title Execution.

403 Scot.

SCot, hoc est quietu esse de quadā cōsuetud', licet

may not be leuied of the goods of him that hath lost them, he may haue a writ of Elegit directed to the Shirife, that he cause him to deliuer the one halfe of his lands and goods, except his oxen and implements of his cart.

Also when one hath recouered debt or damages in an actiō personal (where the proces is a Capias) he may haue an other writ of Execution called a Capias ad satisfaciendum, to take the bodie of him that is so condemned, which shall be committed to prison, there to abide without baile or mainprise, till that he hath satisfied the partie.

Also when one hath iudgement to recouer any lands or tenements, he shall haue a writ called Habere facias seisinam directed to the Shirife, him commanding to deliuer to him seisin of the same land so recouered. See more of that in the title Fieri facias, & in the title Execution.

Scot.

SCot, that is to be quite of a certaine custome, as

of common tallage made to the vse of the Shire of Baillifs. de communi tallagio facto ad opus Vicecomitis vel Balliuorum eius.

404 Knights seruice.

Seruice de Chivaler.

**T**O hold by knights seruice, is to hold by homage, fealtie, and escuage, and it oþaweth to it ward, mariage, and reliefe.

And note that knights seruice, is seruice of lands or teneiments to beare Armes in warre in the defence of this Realme, and it oþaweth ward and marriage, by reason that none is able, nor of power, nor may haue knowledge to beare armes, befoze that he be of the age of 21. yeres, And to the end that the Lord shall not lese that, that of right he ought to haue, and that the power of the realme, bee nothing weakned, the Law will because of his tender age, that the Lord shall haue him and his lands in his ward till þe full age of him, that is to say, xxj. yeres.

Loke of that moze in the title Grand Serieantie, and the title of Escuage.

**T**ener per seruice de Chivaler, est a tener per homage, fealtie, & escuage, & treit a luy garde, mariage, & reliefe.

Et nota que seruice de Chivaler, est seruice de terres ou teneiments par Armes porter en guerre en defence del Roialme, & deit garde, & mariage ap-pent, per reason que nul est able, ne de power, & ne poit auer conuilauns d'armes porter, deuaunt que il soit del age de xxj. ans. Et al fine que le Seignour ne perdera ceo, que de droit il doit auer, & que la power de la Roialme de rien ne soit enseeble: la ley voit per cause de son tender age que le Seignieur luy auera en la garde, tanque al pleine age de luy, cestascavoir, xxj. ans.

Vide de ceo pluis en le title Grand Serieantie, & en le title Escuage.

Z. iij. 405 Shew.

# The Exposition of

405 Shewing.

Shewing, hoc est quietum esse cum attachiament in aliqua Curia, & coram quibuscumq; in querelis ostensis & non aduocat.

405 Sok.

SOk, hoc est secta de hominib' in Curia vestri, secundum consuetudinem Regni.

407 Sokmans.

SOkmans, sont les tenants en auncient demesne, queux tient lour terres p' socage, cest adire per service del carue, & par ceo ils sont appelle Sokmans, que est tant adire come tenants, ou homes queux tient per service del carue, ou homes del carue: Car Sok signifie vn carue.

Et ceux Sokmans ou tenants en auncient demesne, ont plusieurs & diuers liberties done & graunt a eux per le ley, sibien ceux tenants queux tient dun common person en auncient demesne, come ceux queux tyent del Roy en auncient demesne, come nosmement destre quire de payer Toll en chescun Market, Faire, Ville, & Citie per tout le

Shewing.

Shewing, that is to be quite with attachment in any Court, and before whom soeuer in plaintes shewed and not auowed.

Sok.

SOk, that is suit of men in your court, according to the custom of the Realme.

Sokmans.

SOkmans, are the tenants in auncient demesne, that heid their landes by socage, that is by service with the plough, & therefore they are called Sokmans, which is as much to say as tenants or men that hold by service of the plough, or plowmen: for Sok signifieih a plough.

And these Sokmans or Tenants in auncient demesne, haue many and diuers liberties giuen and graunted to them by the law, as well those tenants that hold of a common person in auncient demesne, as those that hold of the King in auncient demesne, as namely to be free from paying toll in euery Market, Fayre, Towne, and Citie throughout the whole Realme,

Realme, as well for their goods and cattels that they sell to others, as for those things that they buy for their provision of other. And thereupon euery of them may sue to haue letters patents vnder the kings seale directed to his Officers, and to the Maiors, Bailifes, and other Officers in the Realme, to suffer them to bee Toll free.

Also to be quite of pontage, murage, and passage, as also of taxes and tallages graunted by Parliament, except that the King taxe auntient demesne, as he may at his pleasure for some great cause.

Also to be free from payments towards the expenses of the Knights of the shire that come to the parliament.

And if the Sherife will distraine them, or any of them to bee contributozie for their lands in auntient demesne, then one of them or all as the case requireth, may sue a writ directed to the Shyrie, commanding him that he do

Realme, si bien pur leur biens & chattels que ils vende as auters, come pur ceux choses que ils achateront pur leur provision, de auters. Et sur ceo chescun de eux poit suer dauer letters patents de south le seale le Roy a les Officers, & al Maiors, Bailifes & auters Officers en le Realme de suffer eux deste quite de toll.

Item deste quite de pontage, murage, & passage, & auxy de taxes & tallages graunt per Parliament, si non q le Roy taxe auntient demesne, come il poyt a son pleasure pur graund cause.

Auxy deste quite de paiements a les expeuces del Chivalers del Shyre queux vient al Parliament.

Et si le Vicount voyle distraîner eux, ou ascun de eux destre contributory pur leur terre en auntient demesne, donques lun de eux ou tous comel e case require poyt suer vn brieve direct al Vicecount, luy commandant q il

# The Exposition of

ne compelleux deſtre cō- not compell the to be con-  
tributories al expences de tributoꝛie to the expences  
Chualers. Et meſme le bñ of the Knights. And the  
luy commaund auxy, que ſi ſame Writ doth commā  
il ad diſtrain eux pur ceo, him alſo, that if hee haue  
q̄il redeliuer m̄le diſtres, already diſtrained them  
therefore, that he redeliuer  
the ſame diſtres.

Item que ils ne deueront Also that they ought  
eſtre impanel, ne mis en not to be impanelled, nor  
Juries & Enqueſts en le put in Juries & enqueſts  
pays hors de leur ma- in the country out of their  
nour ou Seygnourie de Manoz or Lordſhip of  
auncient demefne, pur auncient demefne, for the  
les terres queux ils teigne landes that they holde  
la ( ſinon que ils ont ther (ex cpt that they haue  
autres terres al common other lands at the commō  
ley, pur queux ils de- law, for which they ought  
ueront eſtre charge. ) Et to be charged. ) And if the  
ſi le Vicount retourne Sheriſe do retourne them  
eux en pannels, donques in pannels, then they may  
ils poyent auer vn brieſe, haue a writ directed to  
directa luy de Non ponē- him de Non ponendis in  
dis in aſſiſis & iuratis: Et aſſiſis & iuratis: And if hee  
ſil face al contrary, donq̄s do the contrary, then lyeth  
giſt attachment ſur ceo en- an attachment vpon that  
uers luy, againſt him.

Et iſſint eſt auxy ſi les And ſo it is alſo if the  
Bayliſſes des franchiſes q̄ux Bailiſſes of Franchiſes  
ont retournees des bꝛietes that haue return of writs  
voyle retourne aucun del Will retourne any of the te-  
tenaunts queux teigne en- nants which hold in an-  
auncient demefne en aſſi- cient demefne in Aſſiſes or  
ſes ou iuries. iuries.

Et auxy deſſe exēpts del And alſo to be exēpt fro  
Lētes

**L**ates, and the Sherifes  
Turns, with diuers other  
such like liberties.

408 Socage.

**T**o hold in Socage, is to  
hold of any Lord lands  
or tenements, yelding to  
him a certaine rent by the  
yeare for all maner of ser-  
uices.

And note well, that to  
hold by Socage is not to  
hold by Knights service,  
nor to it belongeth ward,  
marriage, nor reliefe: But  
they shal double once their  
rēt after the death of their  
auncestor, according to  
that that they bee wont to  
pay to their Lord.

And they shal not beouer  
measure grieued, as it ap-  
peareth in the Treatise of  
Wards & Reliefe.

And note well, that So-  
cage may be said in 3. ma-  
ners, that is to say: So-  
cage in frē tenure, So-  
cage in auncient tenure, &  
Socage in base tenure.

Socage in frē tenure,  
is when one holdeth of an  
other by fealty and certain  
rent for all maner of ser-  
uices, as is befoze said.

And of all lands holden

Leetes, & de Turnes de  
Vicont, ouesq; diuers au-  
ters semblable liberties,

Socage.

**T**ener en Socage, est a te-  
ner de ascun Seignieur  
terres ou tenements, ren-  
dant a luy vn certain rent  
per an pur tous maīs des  
services.

Et nota, que tener per  
Socage nest pas tener per  
service de Chivaler, ne la  
appent garde, mariage, ne  
reliefe: Mes ils doubleront  
vn foyts leur rent apres le  
mort leur auncestor, selon-  
que ceo que soloyent pay-  
er a leur sñr.

Et ils ne serront ouster  
measure greues, come il  
appiert en le Treatise de  
Gardes & Reliefe.

Et nota, q̄ Socage poyt  
estre dit en trois maners,  
cestaſcauoir: Socage en  
franke tenure, Socage en  
auntient tenure, & Socage  
en base tenne.

Socage en frank tenure,  
est quant vn tient dun per  
fealty & certaine rent pur  
tous maner des services,  
come deuant est dit.

Et de tous terres tenus  
en



# The Exposition of

en Socage le procheyne a-  
my auera le garde a que le  
heritage ne purra my dis-  
cender, tanque al age le  
heyre de xiiij. ans, cest a sca-  
voir, si le heritage veigne p  
le part le pē, ceux del part  
le mere aueront le gard. Et  
econtra.

in Socage the next kins  
body shall haue the swarde  
to whom the heritagemay  
not discend, till the age of  
xiiij. yeares, that is to say  
if the heritage come by the  
part of the Father, they of  
the part of the Mother  
shall haue the ward. And  
contrary wise.

Et nota bien, si Gardian  
en Socage fait wast, il ne  
serra my impeche de wast:  
Mes il rendra accompt al  
heire quant il viendra al  
pleine age de xxj. ans. Et  
vide le statute de Marle-  
bridge capitulo 17. pur cest  
matter.

And note well, that if  
the Gardian in Socage  
do make wast, he shall not  
be impeached of wast, but  
he shall yeld accompt to  
the heire when he shall  
come to his full age of xxj.  
yeares. And looke the  
statute of Marleb. cap. 17.  
for this matter.

Socage de auncient te-  
nure est ceo lou les gents  
en auncient demesne te-  
noient, q ne soloyent au-  
ter brieve auoir que le bñe  
de Droyt close, que serra  
determine secundum con-  
suetudinem manerij, & le  
Monstrauerūt pur eux dis-  
charge quant lour Seigni-  
our eux distraine pur faire  
autres seruices que faire ne  
duissent.

Socage of auncient te-  
nure is that wher the peo-  
ple in auncient demesne  
held, which vse no other  
writ to haue then the writ  
of Right close, which shall  
be determined accozding  
to the custome of the man-  
nor, & the Monstrauerunt  
for to discharge them whē  
their Lord distraineth thē  
for to doe other seruices  
that the ought not to do.

Et cest brieve de  
Monstrauerunt doyt estre  
port enuers lour Seignior,

And this writ of Mon-  
strauerunt ought to bee  
brought against the lord,  
and

and these tenants hold all & ceux tenaunts teignent by one certain service, and tous per vn certaine service, Et ils sont franke tenants de ancient demesne.

**Socage in base tenure,** Socage en base tenure, is where a man holdeth in, est iou liome tient en 'auncient demesne, that may not haue the Monstraverunt, and for that it is called the base Tenure.

**409 Summons ad warrantizandum &c.** Summons ad warrantizandum &c.

**Summons ad warrantizandum,** and Sequatur sub suo periculo. See of them after in the title Voucher.

**410 Spoliation.** Spoliation.

**Spoliation,** is a suit for the fruits of a Church, or for the Church it selfe, & it is to be sued in the spirituall Court, & not in the temporall Courts. And this suit lyeth for one Incumbent against an other Incumbent, wher they both claime by one Patron, and where the right of the patronage doth not come in question or debate. As if a Parson be created a Bishop, & hath dispensation to keepe his benefice still, & afterward the Patron present an other incumbent,

**Spoliation,** est vn suit pur les frutes dun Eglise, ou pur lesglise mesme, & est destte sue en le spirituall Court, & nemy en les temporall Courts. Et cest suit gist pur vn Encumbent enuers vn auter Encumbent, ou ils ambideux claime per vn Patron, & lou le droit del patronage ne vient en question ou debate. Come si vn Parson soit cree vn Euesque, & ad dispensation de tener son Rectorie, & puis le Patron present auter Encumbent,

## The Exposition of

que est institute & in-  
duct: Ore le Euesque poit  
auer enuers cestuy In-  
cumbent vn Spoliation  
en le spirituall Court, pur  
ceo que ils ambydeux  
claime per vn Patron, &  
le droit del patronage ne  
vient en debate, & pur  
ceo que l'auter Incum-  
bent vient al possession  
del benefice per le course  
del ley spirituall, c'esta-  
cauoir, per institution &  
induction, issint que il ad  
colour de auer ceo, &  
deste Parson per le spi-  
rituall ley: Car autrement  
sil ne soit institute & induct  
&c. Spoliation ne gist  
enuers luy, mes pluistost  
vn briefe de Trespas, ou  
vn Aulse de nouel dislei-  
sin &c.

Issint est auxy lou vn Pa-  
son que ad pluralitie, ac-  
cept auter benefice, per  
reason de que le Patron  
present vn auter clerke,  
que est institute & induct,  
ore lun de eux poit auer  
Spoliation enuers le au-  
ter, & donques viendra  
en debate si il ad vn suffi-  
cient pluralitie ou non.  
Et issint est de depri-

which is instituted and in-  
ducted: Now the Bishop  
may haue agaynst that  
Incumbent a Spoliation  
in the Spirituall Court,  
because they claime both  
by one Patron, and the  
right of the patronage  
doth not come in debate, &  
because that the other in-  
cumbent came to the pos-  
sessiō of the benefice by the  
course of the Spirituall  
Law, that is to say, by in-  
stitution and induction, so  
that he hath colour to haue  
it, and be Parson by the  
spiritual Law: for other-  
wise if he be not instituted  
and inducted &c. Spolia-  
tion lieth not against him,  
but rather a writ of Tres-  
pas, or an Aulse of Nouel  
disseisin &c.

So it is also where a  
Parson which hath a plu-  
rality, doth accept an other  
benefice, by reason wherof  
the Patron presents an o-  
ther clerke, who is institu-  
ted & inducted, now if one  
of them may haue Spolia-  
tion against the other, &  
then shall come in debate if  
he haue a sufficient plura-  
lity or not. And so it is of  
depri-

deprivation &c.

The same law is where one saith to the Patron, that his Clerke is dead, wherupon he presents another: there the first Incumbent which was supposed to be dead may haue a Spoliation against the other. And so it is in diuers other lyke cases, whereof see Fitzh. Nat. breuium.

411 Scallage.

Scallage, that is to bee quite of a certaine custome exacted for the street taken or assigned in fauours of Markets.

412 Suit couenant.

Suit couenant, is when your auncestours haue couenanted with my auncestours to sue to the Court of my auncestours.

413 Suit custome.

Suit custome, is when I and my auncestours haue ben seised of your owne suit and your auncestours time out of minde &c.

414 Suit reall.

Suit reall, is when men come to the Shirees Turne or Leete, to which Court all men shalbe com-

uation &c.

Mesme le ley est, ou vn dit a le Patron, que son Clerke est mort, sur que il present vn autre: la le primer Incumbent que fuit surmise de estre mort poit auer vn Spoliation enuers l'auter. Et issint en diuers autres semblables cases, de que veies Fitzherbert Nat. breuium.

Scallage.

Scallage, hoc est quietum esse de quadam consuetudine exacta pro platea capē vel assignata in Nundinis & Mercatis.

Suit couenant.

Suit couenant, est quant vostre auncestours ont couenant oue mes auncestours de suer a le Court de mes auncestours.

Suit custome.

Suit custome, est quat ieo & mes aūcestors ont essē seises de vīe suit demesne & vostre auncestors de tēps dont memorie ne curt.

Suit reall.

Suit real, est quant homes vient al Turne de Vi-cont, ou Leete, a q Courts tous homes sera compelle

## The Exposition of

pelle de venir a conoister les leyes, issint que ils ne serra ignorant de les choses queux serront monstres la coment ils seït goner- nes. Et est appell' real suit per cause de lour alle- geance, & ceo appiert per common experiēce quant vn est iure, son oath est que il serra loyall & foyall home al Roy. Et ceo suit nest pur le terre que il tient deins le Countie, mes per reason de son person, & pur son resi- ancie la, & doit estre fait deux foites per an, pur default de que, il ser- ra amercie & nemy dis- treine.

415 Suit service.

S<sup>V</sup>it service, est de fuer al Turne del Vicount ou Leete, ou al Court de le Seignior, de trois semaig- nes en trois semaignes per lentier an: Et pur default de ceo, vn home serra di- streine & nemy amercie, Et cest suit service est per reason del tenui del terres dun home.

416 Statute Marchant;

T<sup>E</sup>nuere per Statute Mar- chant, est loa home

pelled to come to knowe the Lawes, so that they shall not be ignorant of thinges that shall be declared there how they shall bee goner- ned. And it is called real suit because of their alle- geance, and this appea- reth by common experi- ence when one is swozne, his oath is that he shall be a loyall and faithfull man to the King. And this suit is not for the land that he holdeth within the Countie, but by reason of his person, & his abode there, & ought to be done twice a yeare, for default whereof, he shall bee amerced and not distrained.

Suit service.

S<sup>V</sup>it service, is to sue to the Shriftes Turne or Leete, or to the Lordes Court, from thre weekes to thre weekes by the whole yeare: And for de- fault thereof, a man shal be distrained and not amer- ced. And this suit service is by reason of the tenure of a mans lands.

Statute Marchant.

T<sup>O</sup> hold by Statute Mar- chant, is where a man knowe

knoledgeth to pay certain money to another at a certaine day before the Maior, Bayliffe, or other Wardene of any Towne that hath power to make execution of the same statute, & if the obligor pay not the debt at the day, & nothing of his goods, landes, or tenements may be found within the warde of the Maior or warden before said, but in other places without, then the recognisance shall sue the recognisance and obligation with a certification to the Chancery vnder the kings seal, and hee shall haue out of the Chancery a Capias to the Sherife of the county where he is to take him, & to put him in prison, if he be not a Clerke, till he haue made agrement of the debt. And one quarter of the yeare after that hee shall be taken, he shall haue his land deliuered to him selfe, to make græ to the party of the debt, & he may sell his land while he is in prison, & his sale shall be good & lawfull. And if he doe not make satisfaction

conuist a payre certaine deniers a vn auter a certaine iour deuant le Maior, Bayliffe, ou auter Gardein dascun ville que ad poyar de faire execution de mesme le statute, & si le obligor ne paya le det a lo iour, & rien de ses biens, terres, ou tenements ne purront estre trouues deins le garde le Maior ou Gardein auantedit, mes en auters lyeux dehors, donques le recognissee suera le recognisance & obligation oue vn certification a la Chauncerie desouth le seale le Roy, & il auera hors de la Chauncerie vn Capias al Vicont del countie leu il est de luy prender, & mitter luy en prison, si il ne soit Clerke, tanque il ad fait gree de la dette. Et vn quarter de lan apres ceo que il serra pris, il auera sa terre liuer a luy mesme pur faire gree a le partie de le dette, & il poit vender sa terre tanque il est en prison, & son vendition serra bone & loy al. Et si il ne face gree deins

### The Exposition of

deins le quarter dun an, ou  
sil soit retourne que il nest  
troue & sil ne soit clerke,  
adonques le recognisee  
poit auer bre de le Chaun-  
cery, que est appel Extendi  
facias, direct al tous Vi-  
conts lou il ad terres de  
extender les terres & biens,  
& ses biens a luy deliuer, &  
luy seiser en les terres, a te-  
ner eux a luy & a les heirs,  
& a ses assignes, tanque le  
debt soyt leuie ou pay, &  
pur cel temps il est te-  
nant per Statute Mar-  
chant.

Et nota bien, que en vn  
statute Marchaunt le re-  
cognisee auera execution  
de tous les terres q le re-  
cognisor auoit iour de la  
recognitance fait, & aucun  
temps puis per force de m  
le statute.

Et nota bien, que quant  
ascun wast ou destruction  
est fait per le recognisee,  
ses executors, ou per ce-  
luy que ad son estate, le re-  
cognisor ou ses executors  
aueront m la ley, come est  
suisset de le tenaunt per E-  
legit.

Et nota bien, si le te-

within a quarter of a yere  
or if it be returned, that he  
be not found, and if he be  
not a clerke, then he recogni-  
see may haue a writ out  
of the Chancery, which is  
called Extendi facias, di-  
rect to all Shyres where  
he hath lands, to extend  
his lands and goods, & to  
deliuer the goods to him,  
& to seise him in his lads  
to hold them to him and to  
his heires, and his assign-  
ees, till that the debt be le-  
uiued or paid, and for that  
time hee is tenant by stat,  
Marchant.

And note well, that in  
a statute Marchant the  
recognisee shal haue execu-  
tion of all the lands which  
the recognisor had the day  
of the recognisance made, &  
any time after by force of  
the same statute.

And note well, that  
when any wast or destru-  
ction is made by the re-  
cognisee, his executors, or  
by him that hath his estate  
the recognisor or his exe-  
cutors shal haue the same  
law, as is beforesaid of the  
tenant by Elegit.

And note well, that te-  
nant

nant by Statute marchand  
holde ouer his terme, hee  
that hath right may sue  
against him a Venire faci-  
as ad computandum, or  
eis enter by and by as vp-  
on tenant by Elegit. See  
the Statute 21. E. 1. and of  
Acton Burnel, and 13. E.  
1. de Mercatoribus.

nant per le Statute mar-  
chant ryent ouster son  
terme, cestuy que ad droit  
poit suer enuers luy vn Ve-  
nre facias ad computan-  
dum, ou enter tantost ti-  
corre sur le tenaunt per E-  
legit. Vide le statute 11. E.  
1. & de Acton Burnel, &  
13. E. 1. de Mercatoribus.

T.

Fee Taile.

417

TO hold in the Taile, is  
Where a man holdeth  
certaine lands or tenements  
to him & to his heires of  
his body begotten.

And note wel, that if the  
Land be giuen to a man  
and to his heires males, &  
he hath issue male, he hath  
fee simple, and that was  
adjudged in the Parlia-  
ment of our Lord the R.  
But where lands be gi-  
uen to a man and to his  
heires males of his body  
begotten, then hee hath fee  
taile, & the issue female shal  
not be inheritable, as it  
appeareth the 14. yeare of  
E. 3. in Aulse 18. E. 2. 45.

Fee taile, is where land  
is giuen to a man and his  
heires of his body begot-

T.

Fee Taile.

TENER en le Taile, est  
lou home tient cer-  
taine terres ou tenements  
a luy & a ses heires de  
son corps engendres.

Et nota bien, que si le  
terre soit done a vn home  
& a ses heires males, & il  
ad issue male, il ad fee sim-  
ple, & ceo fuit adiudge en  
le Parliament nostre Seig-  
niour le Roy Meslou ter-  
res ou tenements sont do-  
nes a vn home & a ses  
heires males de son corps  
engenders, il ad fee taile,  
& le issue female ne serra  
my inherite, vt patet An-  
no 14. Ed. 3. en vn Aulse  
18. E. 3. 45.

Fee taile, est lon terre  
est don a vn home & a ses  
heires de son corps engen-

Aa ders,



# The Exposition of

ders, & il est dit tenant en le taile general.

Mes si terre soit done al baron & feme & al heires de lour deux corps engenders, ore le baron & la tuch sont tenants en le taile especial. Et si vn de eux deuy, cestuy que suruiue est tenaunt en le taile apres possibilitie de issue extinct, & si il face waste il ne serra impeach de cel wast Vide Littleton.

Mes si le Roy done terres a vn hom & a les heires males, & le donee deue sans issue male, donques le cosin collaterall del donee ne inheritera, mes le roy recetra, & ainsi fut aduidge en Lechequer chamber An. 18. H. 8. en vn information fait vers le heire de Sir T. Louel Chiuiler.

418 Taile apres possibilitie.

Tener en le taile apres possibilitie de issue extinct, est lou terre est done a vn home & a la feme & a les heires de lour deux corps engenders, & lun de eux suruiue laui sa issue &

ten, & he is called tenant in the taile general.

But if lands be giue to the husband and the wife and the heires of their two bodies begotten then the husband & the wife be tenants in the taile especial. And if one of them die, he that suruiue is tenant in taile after possibility of issue extinct. & if he make waste hee shall not be impeached for that waste. See Litt.

But if King giue land to a man and to his heires males, and the donee dieth without issue male, then the cosin collaterall of the donee shall not inherit, but the king shall reenter, and so it was aduinged in the Exchequer Chamber 18. H. 8. in an Information made against the heire of Sir T. Louel knight.

Taile after possibility.

To hold in the taile after possibilitie of issue extinct, is where land is giuen to a man and to his wife, & to the heirs of their two bodies engendered, & one of the ouerliue the other without issue be-  
twayne

twéne them begotten, hee  
shal hold the land for term  
of his owne life, as tenant  
in the taile after possibilty  
of issue extinct. And not-  
withstanding that hee do  
waist, he shall neuer be im-  
peached of that waist. And  
note, that if he alien, hee in  
the reuerfion shal not haue  
a writ of Entre in consimi-  
li casu. But he may enter,  
& his entre is laesfull, per  
R. Thorp chiefe Iustice 28.  
E. 3. 96. & 45 E. 3. 25.

419 Taxe and tallage.

Taxe & tallage, are pay-  
ments, as tenthes, fif-  
teenthes, subsidies, or such  
like graunted to the King  
by Parliament.

The Tenants in aunc-  
ient demesne are quite of  
these Taxes and tallages  
graunted by Parliament,  
except that the King doe  
taxe auncient demesne, as  
hee may when he thinkes  
good for some great cause,  
See Auncient demesne.

ter eux issuant, il tiendra sa  
terre a terme de sa vie de-  
mesne, come tenant en le  
taile apres possibiltie de  
issue extinct. Et non ob-  
stant que il fait waist, il ne  
serra iamais empeache  
de cel waist. Et nota, que si  
il alien, celuy en la reuer-  
fion neauera briefe Dentre  
in consimili casu. Mes il  
poit entrer, & son entre est  
congeable, per R. Thorpe  
chiefe Iustice 28. E. 3. 96.  
& 45. E. 3. 25.

Taxe and tallage.

Taxe & tallage, sont pai-  
ments, come dismes,  
quinzismes, subsidies, ou  
uels semblables graunt al  
Roy per Parliament.

Les Tenants en auncie-  
ent demesne sont quites  
de ceux taxes & tallages  
graunts per Parliament,  
sinon que le Roy taxe aunc-  
ient demesne, come il  
poit quant a luy pleist pur  
grand cause. Veies Aunc-  
ient demesne.

420 Tenure in capite.

TEnure in capite, is wher  
any holde of the King  
as of his person being  
King, and of his Crowne,

Tenure in capite.

TEnure in capite, est lou-  
ascun tient del Roy,  
come de son person estant  
Roy, & de son Corone,

Aa ij. come

## The Exposition of

come dun Seignorie per luy mesme en grosse, & en chiefe, desuis tous autres Seignories. Et nemy lou ils tient de luy come de aucun manour, honour, ou Castle, sinon certaine auncient honours, vt patet in Scaccario.

as of a Lordship by it selfe in grosse, & in chiefe aboute all other Lordships. And not wherethey hold of him as of any Mannour, Honour, or Castell, except certaine auncient honours, which appeare in the Exchequer.

### 421 Terme dans.

**T**ENER a terme dans, nest forsque chattel en effect, car nul action est maintainable enuers termor quant a recouerer le franktenement, car nul franktenement est a luy. Lease a terme dans est chattell reall, & tous biens moueables sont chattels personnels.

### Terme dans.

**T**O holde for terme of yerres is not but chattell in effect, for no action is maintainable against the termor for the recovering of the freehold, for no freehold is in him. A Lease for terme of yerres is a chattell reall, and all goods which are remouable are chattell personnels.

### 422 Testament.

**T**ESTAMENT, est issint define ou expounde en Mounsier Plowdens Commentaries: Testamentum est testatio mentis, & est compoude de ceux deux parolx, Testatio & mentis, que issint signifie, veray il est, que vn Testament est testatio mentis, mes que il est vn compound paroll, Aulus Gellius en son 6 li. iij. cap. denie ceo al vn excellent Lawyer vn Ser.

### Testament.

**T**ESTAMENT, is thus defined in Master Plowdens Commentaries: Testamentum is the witness of the mind, & is compound of these two words, Testatio and mentis. which so signifieth, truth is, that a Testament is witness of the mind, but that it is a compound word, Aulus Gellius in his 6. booke cap. 12. doth denie þ same to an excellent Lawyer one Seruius

uius Sulpitius, and saith, that it is a simple word, as are these, Calciamentum, Paludamentum, Paviamentum, & diuers such like. And much lesse is Agreementum, a compound word of aggregatio and mentium, as is said befoze in the title of Agreement, for ther is no such latin word simple or compound: but it may neuerthelesse serue well for a law latin word.

And therefore thus it may be better defined. A Testament is the true declaration of our last will, of that wee would to be done after our death, &c.

And of Testaments there be two sorts, namely a Testament in writing, & a Testament in words, which is called a Nuncupatine Testament.

The first is alwaies in writing, as is said.

The other is, when a man being sicke, and for feare least death, or want of memorie, or of speech, should come so sodainely and hastily vpon hym, that he should be preuented, if he stayed the wri-

uius Sulpitius, & dit, q'il est vn simple parol, come sont ceux. Calciamentum, Paludamentum, Paviamentum, & diuers tiels semblables. Et mult meines est Agreementum, vn composé parol de aggregatio & mentium, come est dit en le titre de Agreement, car il ny ad nul tiel Latin parol simple ou compound: mes il poit nient obstant serue bien pur vn ley latin word.

Et pur ceo il poit illelme meliour define. Testamentum est ultimæ voluntatis iusta sententia, de eo quod quis post mortem suam fieri vult, &c.

Et de Testaments il y ad deux sorts, cestascavoir, vn Testament en escript, & vn Testament per parol, q' est appel vn Nuncupatiue Testament.

Le primer est tous foits en escript, come est dit.

Le autre est, quant vn home esteant malade, & pur pauer que mort, ou fault de memorie, ou de parler, voit venter cy suddenlyement & hastiement sur luy, que il serra preuent, si il demure le scripture

### The Exposition of

eure de son Testament, request ses vicines & amies de porter tesmoigne de son darreine volunt, & donques declare ceo presentment per parol deuant eux, que apres son deceate est proue per tesmoignes, & mis en script per le Ordinarie, & donques il est en cy bone force come si ceo ad al primer en le vie del Testator este mis en escript: sinon que il soit pur terres nient deuisable per custome.

423

Them.

Them, hoc est quod habetis totam generationem Villanorum vestrorum cum eorum sectis & catallis vbicunque in Anglia fuerint inuenta, excepto quod si aliquis natiuus quierus per vnum annum & diem in aliqua villa privilegiata manserit, ita quod in eorum communiam vel geldam tanquam vnus illorum repertus fuerit, eo ipso a villenagio liberatus est.

424

Theftbote.

Theftbote, est quant hōc pūst ascum biens dun laron de luy fauorer & main-

ting of his Testament; desireth his neighbours and friends to beare witness of his last Will, and then declareth the same presently by words before them, which after his decease is proued by witnesses, and put in writing by the Ordinarie, and then standeth in as good force as if it had at the first in the life of the testator bin put in writing: if it be not for lands not deuisable by custome.

Them.

Them, that is, that you shall haue all the generations of your Villaines with their suites and catell wheresoeuer they shall be found in England, except that if any bondman shal remaine quit one yere and a day in any priuiledged towne, so that he shall be receiued into their communaltie, or guild, as one of them, by that meanes he is deliuered from villenage.

Theftbote.

Theftbote, is when a mā taketh any goods of a theefe to fauour and maintaine

taine him: And not when teiner: Et nemy quauunt  
a man taketh his owne home prist ses biens de-  
goods that were stolen mesne, q̄ fueront emblees  
from him &c. de luy &c.

The punishment in an- Le punishment en aun-  
cient time of Theftbote cient temps de Theft-  
was of life and member. bote, fuit de vie & de  
But now at this day member: Mes a ore Mast.  
Mast, Stamford saith, it is Stamford dit, que il est  
punished by ransome and punish per ransome &  
by imprisonment. But en- emprisonment. Sed quare  
quire further, for I think car ico pense ceo este fe-  
it be felonie. lonie.

425

Title.

Title, is where a lawfull  
cause is come vpon a  
mā to haue a thing which  
an other hath, and he hath  
no action for the same, as  
title of Mortmaine, or to  
enter for breach of condi-  
tion.

426 Title de Entre

Title de Entre, is when  
one seised of land in fee  
maketh a feoffment ther-  
of vpon condition, and the  
condition is broken: Now  
after the condition thus  
broken, the feoffor hath  
title to enter into the land,  
and may so do at his plea-  
sure, and by his entrie the  
feehold shall be said to be  
in him presently.

And it is called title of

Title.

Title, est lou loiall cause  
est veigne a vn home  
de auter chose que auter  
ad, & il nad ascuna action  
pur ceo, come title  
de Mortmaine, ou de  
enter pur condition en-  
freint.

Title de Entre.

Title de Entre, est quant  
vn seisie de terre en fee  
fait feoffement de ceo  
sur condition, & le con-  
dition est enfrein: Ore  
apres le conditon issint  
enfrein, le feoffour ad  
title de entre en le terre  
& issint poyt quant a luy  
pleist, & per son entrie  
le franktenement serra dit en  
luy maintenant.

Et est appel title de

A a iij. Entre

## The Exposition of

Entre, pur ceo que il ne  
 poit auer brieſe de Droit  
 enuers ſont ſeoffee ſur cō-  
 dition, car ſon droit ſuit  
 hors de luy per le ſeoffe-  
 ment, le quel ne poit eſte  
 reduce ſans entre, & le en-  
 tre doit eſte pur le enfren-  
 der de le condition.

427 Tolle, ou tolne.

**T**olle ou Tolne, eſt plus  
 properment vn pay-  
 ment uſe en Cities, Villes,  
 Markets, & Fayres, pur bi-  
 ens & chattel poit la de-  
 ſtre achate ou vende. Et  
 eſt toutes dits deſtre pay  
 per le achator, & nemy  
 per le vendour, ſinon que  
 ſoit aſcun Cuſtome al con-  
 trarie.

Il y ad diuers autres  
 Tols, come Turne toll,  
 & ceo eſt lou toll eſt pay  
 pur auers, queux ſont  
 driues deſte vendus co-  
 ment que ils ne ſont ven-  
 dus.

Item Toll trauers, ceo  
 eſt lou vn claime dauer  
 vn ob. ou tiel ſembla-  
 ble toll de cheſcun  
 beaſt que eſt driue ſur ſon  
 terre.

Through Toll, eſt lou  
 vn Ville preſcribe de

Entre, becauſe that he can  
 not haue a writ of Right  
 againſt his ſeoffee vpon  
 condition, for his right  
 was out of him by the ſeoffe-  
 ment, which cannot be  
 reduced without entrie, &  
 the entrie muſt bee for the  
 breach of the condition.

Toll, ou Tolne.

**T**oll or Tolne, is moſt  
 properly a payment  
 uſed in Cities, Townes,  
 Markets, & Fayres, for  
 goods and cattel brought  
 thither to bee bought and  
 ſold. And is alwaies to  
 be paid by the buyer and  
 not by the ſeller, except  
 there bee ſome cuſtome o-  
 therwiſe.

There are diuers o-  
 ther Tolles, as Turne  
 Toll, and that is where  
 Toll is paid for beaſtes  
 that are driuen to be ſold,  
 although that they be not  
 ſold in deede.

Also Toll trauers, that  
 is where one clauneth to  
 haue a halfe penie, or ſuch  
 like Toll of euery beaſt  
 that is driuen ouer his  
 ground.

Through toll is where  
 a Towne preſcribes to  
 haue

haue Toll for euery beast auer Toll pur chescun  
that goeth through their beast que ale through lour  
towne, a certaine, or for ville, va certaine, ou pur  
euery score or 100 a cer- chescun vint ou cent, vn  
taine: which seemeth not certaine: que ne appiert  
to bee so vnrasonable a destre ci vnrasonable pre-  
scription or custome, scription ou custom, come  
as some haue thought, al- ascuns ont luppote, nient  
though it bee through the obstant il soit per le hault  
Kings high way (as chimyn del Roy (sicome ils  
they call it) where euery ceo appelle) lou chef-  
man may lawfully goe, if- man poit loyalmment passe,  
that there be one thing for si y ad quid pro quo:  
an other: As if there be a Come si la soit vn pont,  
brudge, or such like com- ou tiel semblable com-  
moditie, prouided at the moditie, puruey al costes  
costes and charges of the & charges del ville, pur  
Town, for the case of tra- le case de trauaylers que  
uailers that driue that chasc mesme voy, per que  
way, whereby their iour- leur iourney est ou a-  
ney is either shortned or bridge ou fait le meliour,  
bettered, why then may pur que donques ne poyt  
not Toll be lawfully and toll este demande loy-  
with good reason deman- ment & oue bone reason  
ded of them &c. de eux &c.

But diuers Citizens & Mes diuers Citizens &  
townesmen are free from Burgesles sont quite de  
paying Toll by graunt of payer toll per le graunt  
the King or his aunce- del Roy, ou ses aunce-  
stors, or doe claime the stors, ou claime ceo per  
same by prescription or cus- pr. scription. ou custome.  
tome. So also spirituall Issint auxy espirituell per-  
persons & religious men sons & religious homes  
(as they call them) were (come ils fuerot appellees)  
quit of paying Toll for fueront quite de toll pur  
their goodes & marchan- leur biens & marchan-  
dises



## The Exposition of

disez achate & vendus  
&c. Mes a ore le Statute  
del Roy Hen. 8. añ 21. cap.  
23. voit que ils ne mar-  
chandisera.

Item Tenants en aunci-  
ent demesne doyent este  
quite per tout le Realme  
de paier toll, come ap-  
piert deuant en le title  
Sokemans. Et en tous  
ceux cases ou tolle est  
demande ou il ne doyt  
estre pay de eux que doient  
aler achate & vende quite  
de tolle, la le partie ou  
parties greue poient au-  
er vn briefe, De essendi  
quicquid de colonio, direct  
a luy, ou ceux que assent  
demande tolle contra al  
graunt le Roy ou la pro-  
genitors, ou countra al cus-  
tome ou prescription.

428 Treason.

Treason, est en deux ma-  
ners, cest a sauoir, haulte  
Treason, & petit Treason,  
come est ordeine per  
les statutes. Et ideo vide  
Statuta, & Stamford lib.  
1. cap. 2.

429 Treasure troue.

Treasure troue, est quant  
ascun money, or, ar-  
gent, plate, ou bolion, est

disez bought and sold &c.  
But now the Statute of  
King H. 8. añ 21. cap. 13.  
saith, that they shall not  
marchandise.

Also Tenant en aunci-  
ent demesne ought to be  
quite throughout the whole  
realme of paying toll, as  
appeareth before in the ti-  
tle Sokemans. And in  
all these cases wher toll is  
demanded where it ought  
not to be paid of them that  
should go buy and sell toll  
free, there the partie or par-  
ties grieved may haue a  
writ, De essendi quicquid de  
colonio, directed to him,  
or them that so deman-  
ded toll contrarie to the  
King or his progenitors  
grant, or contrarie to cus-  
tome or prescription.

Treason.

Treason, is in two man-  
ners, that is to say,  
graund Treason, & petit  
Treason, as it is ordeyn-  
ed by the statutes. And  
therefore loke the statutes.  
and Stamf. lib. 1. c. 2.

Treasure troue.

Treasure troue, is when  
any money, gold, sil-  
uer, plate, or bolion, is  
found

found in any place, and no man knoweth to whom the proprietie is, then the proprietie thereof belongeth to the King, and that is called Treasure trove, that is to say, Treasure found. But if any Mine of metal be found in any ground, that alway pertayneth to the Lord of the soyle, except it be a mine of gold or silver, which shal be alway to the King in whose ground soever they be found.

430 Shirifes Turne.

Shirifes Turne, is a court of record in all things that pertain to the Turn. And it is the Kings Let thorough all the Countie, and the Shirif is Judge. And whosoever hath a Let, hath the same authoritie within the precinct, as the Shirif hath within the Turne.

V.

431 Verderor.

Verderor, is an Officer in the Forrestes of the King, chosen by the Freeholders of the Countie, where the Forrest is, by a writ of the king, directed

trouve en aucun lieu, & nul conseil a que le proprietie est, donques le proprietie de ceo appartient al Roy, & ceo est du Treasure trove. Mes si aucun Mine-rall de metall soit trouve en aucun terre, ceo tous soit pertient al Seignieur de soyle, forsque que il soit mineral de Or ou Argent, queux seront tous toits al Roy, en quecunque soyle que ils sont trouves.

Tourne del Vicont.

Tourne del Vicont, est un Court de Record en tous choses que pertaine al Tourne. Et est le Lecteur le Roy per tout le Countie, & le Vicont est Judge. Et quecunque ad un Lecteur, ad mesme le authoritie deins le precinct, sicome le Vicount ad deins le Tourne.

V.

Verderor.

Verderor, est un officier en les Forrestes del Roy, esliu per les franktenants del Countie, lou le Forrest est, per briefe del Roy, direct al

### The Exposition of

al Vicount de ceo faire, to the Shirisfe to do it, as  
come appiert p les lieures it appeareth by the bookes  
del Register, & del Nature of the Register, and of the  
des briefes, & sont ap- sature of writs, and are  
pelles en Latin *Viridarij*, called in Latin *Viridarij*,  
come semble de le parol as it seemeth of the word  
*Viride*, que est en Anglois *Viride*, which is in Eng-  
*Greene*, en Francoys *Verd*, lish *Greene*, in French  
car vn grand part de leur *Verd*, for a great part of  
office est touchant le *Verd*, their office is touching the  
*Verd*, to wit, the wood and  
cestascauoir, le boys & grasse growing in the fo-  
herbes cressant en le For- rest, for which see moze in  
rest, pur quel veies pluiz the Charter and Lawes  
en le Charter & Leyes del of the Forrest.

432 View.

View.

**V**iew, est quant ascun **V**iew, is when any action  
action reall est port, & real is brought, and the  
le tenant ne scauoit bien tenant knoweth not well  
quel terre il est que le de- what land it is that the  
maundant demande, don- demaundant asketh, then  
ques le tenaunt priera le the tenaunt shall pray the  
view, cestascauoir, que il view, that is to say, that he  
poit veier le terre que il may see the land which he  
claima. Mes si le tenant claimeth. But if the tenat  
ad ew le view en vn briefe, hath had the view in one  
& puis le briefe est abatus writ, and after the writ is  
per misnosmer de le ville, abated in misnaming of  
ou per iointure, & puis the town, or by iointenure,  
le demaundaunt port vn and after the demaundant  
tiel briefe vers le tenant, bringeth an other writ a-  
donques le tenaunt na- gainst the tenant, then the  
uera le view en le second tenant shall not haue the  
briefe. view in the second writ.

433 Vi

433 Vi Laica remouenda.

VI Laica remouenda, is a writ, & it lyeth where debate is betwene two Parsons or prouisors for a Church, & one of them entreth into the Church with great power of lay men, and holdeth the other out with force and armes, then he that is holden out shall haue this writ directed to the Shirisfe, that he remoue the power which is within the Church, and the Shirisfe shall be commanded, that if he find any men there withstanding, that the Shirisfe shal take with him the power of his Countie, if neede bee, and shal arrest the bodies of all them him resisting, & shall put them in prison, so that hee haue their bodies before the King at a certaine day to answer to the contempt. And this writ is retournable, & it shall not be granted before that the Bishop of the place where such a Church is, hath certified in the Chancery such resisting and force.

434 Villenage.

TO hold in pure Ville-

Vi Laica remouenda.

VI Laica remouenda, est vn brieve, & gift lou debate est perenter deux Parsons ou prouisors dun Esglise, & lun enter en le Esglise oue graund power de lay homes, & tient l'auter dehors oue force & armes, donques celuy que est tenu de hors auera le dit brieve direct al Vicont, que il remoua cest power que est deins l'esglise, & ferra commaunde al Vicont, que sil troue aucun homes luy resistant, que le Vicount prendra ouesque luy la poyar de son Countie, si besoigne soit, & ferra attache per lour corps tous ceux luy resistantes, & les mittera en prison, issint que il eyt lour corps deuant le Roy a certaine iour de responder del contempt. Et cest brieve est retournable, & ne ferra graunt deuant que le Euesque del lieu loutiel Esglise est, eyt certifie en le Chancery tiel resistance & force.

Villenage.

TEner en pure Villenage,

## The Exposition of

nage, est a faire tout cec, que le Seignieur luy voit commander.

Le diuision de Villenage, est villeine de franke, & de tenure. Et il est villeine de que son Seignieur prent redemption de sa fille marier, & soy meisme enfranchise, & le Seignieur puit luy ouster de ses terres ou tenements a sa volunt, & auxy de tous ses biens & chateaux.

Et nota bien, que Sokeman nest pas pure Villeine, ne villeine doit pas garde, mariage, ne reliefe, ne faire auxers seruices reals.

Et nota bien, que tenure en Villenage ne ferra nul franke home villeine, si ne soit continue ouster le temps de memorie, ne villeine terre ne ferra franke home villeine, ne franke terre ne ferra villein frank, sinon que le tenant auoit continue frankmēt ouster le temps de memorie.

Mes vn Villeine ferra frank terre villeine, per seisin, ou per claime de son Seignior.

nage, is to do all that, that the Lord will him command.

The diuision of Villenage, is villein of blood, & of tenure. And he is a villein of whom the Lord taketh redemption to marry his daughter, and to make him free, & it is he whom the Lord may put out of his lands or tenements at his will, & also of all his goods and cattell.

And note well, that a Shokeman is no pure villein, nor a villein oweth not ward, marriage, nor reliefe, nor to do any other seruices reals.

And note well, that the tenure in villenage shall make no free man villein, if it be not continued euersith time out of mind: nor villein land shall make no free man villein, nor free land shall make no villein free, except that the tenant haue continued free beyond the time of memorie.

But a Villeine shall make free land villeine, by seisin, or by claime of the Lord.

And

And note well, that if a villeine purchase certain land, and take a wife and alien, and dyeth before the claim or seisin of the Lord, the wife shall be endowed.

And note well, that in case that the Lord bring a Præcipe q̄ reddat against the alienor of his villein, which voucheth to warrant the issue of the villein which is villein to the Lord, he shall have the voucher. And by protestation the Lord may (notwithstanding that he pled with his villein) save that his villeine shall not be enfranchised.

And note well that a Bastard shall neuer be adjudged villeine, but by knowledge in court of record.

And note well, that if debt be due by a Lord to a freeman, and he maketh two men his executors, the which be villeines to the said Lord, and dyeth, the villeines shall have an action of Debt against their Lord. And notwithstanding that he pleade with them, and if he make pro-

Et nota bien, que si villein purchase certain terre & prent femme & alien, & deuie deuant le claimer ou seisin de son Seignieur, la femme sera endowe.

Et nota bien, que en case que le Seignieur port Præcipe quod reddat enuers le alienee son villein, le quel vouch a garantir le issue de le villein que est villein al Seignieur, il auera le voucher. Et per protestation le Seignieur poit (non obstant que il plede oue son villein) sauue que son villein ne sera my enfranchise.

Et nota bien, que Bastard ne sera iammais adudge villein, sinon per conuissans en court de record.

Et nota bien, que si det soit due per vn Seignieur a vn frank home, & il face deux homes ses executors, les queux sont villeines al dit Seignieur & deuie, les villeines aueront action de Dette enuers leur Seignior. Et nient obstant que il plede ouesque eux, & il face protesta-

### The Exposition of

restation, ils ne seront restation, they shall not be pur tant enfranchise, pur thereby enfranchised, for þ cto que ils sont a recouer they be to recouer the debt le dette auant d'it al vse de aforesaid to the vse of an vn autre person, cest asca- other person, that isto say, uoir, al vse leur testator, & to the vse of their testator, & nient a leur vse demesne. & not to their owne vse.

Et si le tenaunt en do- And if the tenant in do- wer eyt vn Villeine, le wer haue a villein which quel purchase certaine purchaseth certaine land terre en fee, & puis le in fee, and after the tenant tenaunt eu dower enter, in dower entreth, she shall el auera le terre a luy & a haue the land to her & to ses heires a toutes iours. her heires for euermore. Et mesme le ley est de te- And the same lawe is of nant a terme de ans de vn tenant for terme of yeares of a villein.

Et nota bien, que le Seig- And note well, that the nior poit robbe, naufrer, & Lord may robbe, beat, and chastiser son villein a son chastise his villein at his volunt: saue que il ne poit will: saue only that he may luy maimre, car donques il not maimre him, for then auera appeal de Maihem he shall haue an appeal of enuers luy. maimre against him.

Et nota bien, que vn vil- And note wel, that a vil- lein poit auer trois actions lein may haue thre actions enuers son Seigneur, cest against his Lord, that is ascavoir, vn appeal de to say, an appeal of the mort son auncestor, vn ap- death of his auncestor, an appeal de rape fait a sa feme, appeal of rape done to his & vn appeal de Maimre. wife, & an appeal of maim.

Et nota bien, si deux par- And note well, if two ceners poit briefe de Ni- parceners bring a writ of Mese, & lun de eux soit Mese, and one of them be nonsuit, le nonsuit de luy nonsuit, the nonsuit of him terra adiudge le nonsuit shall be iudged the nonsuit of

of them both, so that if that  
nonsuit bee after appea-  
rance, they shall be barred  
from that action for ever,  
for the lawe is such in fa-  
uour of libertie.

And note well, if two  
haue a villein in common,  
& one of them make to him  
a manumission, he shal not  
be made free against both.

And note well, that in  
a writ de Natiuo habendo,  
it behoueth that the Lord  
shew how the defendant  
commeth to bee partie of  
the blood of the villein of  
whom he is Lord &c. And  
if he nor none of his an-  
cestors were not seised of  
none of his blood, he shall  
not win by his actiō, if the  
villeine haue not know-  
ledged in Court of recozd  
himselfe to bee his villein.

And note well, that in  
a writ of Niefrie may not  
bee put moze Niefes then  
two onely, and this was  
first brought in the hatred  
of bondage. But in a writ  
de Libertate probāda, may  
be put as many niefes as  
the plaintife will.

And note well that if  
the villeine of a Lord be

de ambideux, issint que si  
le nonsuit soit apres ap-  
pearance, ils seront barred  
de cest action a tous iours,  
car la ley est tiel in fau-  
rem libertatis.

Et nota bien, si deux ont  
vn villein en common, & lū  
de eux fait a luy manu-  
mission, il ne terra nry en-  
franchise enū, ambideux.

Et nota bien, que en bñe  
de Natiuo habendo, il co-  
uient que le Seignior mō-  
stre coment le def. aueigh  
priue de sank a celuy vil-  
leyne de que il est Seignior  
&c. Et si il ne nul de ses an-  
cestors ne soit seise de nul  
de son sank, il negamera p  
son action, si le villein nad  
pas conus en Court de  
Record luy estre son vil-  
lein.

Et nota bien, que en vn  
briefe de Niefrie ne pur-  
ront estre mis plusors niefs  
que deux tantselement, &c  
hoc introductum fuit prius  
in odium seruitutis. Mes  
en briefe de Libertate pro-  
bāda, purront estre mis  
tants niefs come le plain-  
tife voudra.

Et nota bien, que si le  
villeine de Seignior soit  
B b. fue



### The Exposition of

fue en auintient demefne  
del Roy, ou autre ville pri-  
uiledge, deins lan & iour  
le Seignior poyt luy fey-  
ser, & fil demure en la dit  
ville ou lieu franchise per  
vn an & vn iour sans le sei-  
sin de son Seignior, il nad  
my power de luy sei er a ps,  
fil ne va dehors le fuisdit  
franchise.

Et ascuns font villeynes  
per title de Prescription,  
ceft a sauoir, que tout leur  
fauke ont este villeins re-  
gardants a le mannor dun  
Seignior de temps dont  
memory ne court.

Et ascuns sont fayt vil-  
leins p leur confession en  
vn Court de Record. Auxy  
le Sñr peit faire vn manu-  
mission a son villein & luy  
infranch, a tous iours.

Auxy si le villeine port  
ascun action vers son Sñr,  
fine soit appeal de maihim,  
& le Seignior a ceo sans  
protestation fait respons,  
donques per ceo le villeine  
est franchises.

Auxy si vn villeine pur-  
chase terre, & ad biens &  
vend les fies & biens de-  
uant ascun entre ou seisin

sted in auintient demefne of  
the king, oz other Towne  
priuiledged, within a yere  
and a day the Lord may  
seise him, and if hee dwell  
in the same town oz other  
place franchised by a yere  
and a day, without seisin  
of the Lord, hee hath no  
power to seise him after, if  
hee goe not out of the fore-  
said franchise.

And some be villeins by  
title of Prescription, that is  
to say, that all their blode  
haue beene villeines re-  
gardants to the manor of  
the Lord from time out of  
mind.

And some be made vil-  
leins by their confession in  
a court of record. Also the  
Lord may make a manu-  
mission to his villein, and  
make him free for euer.

Also if the villein bring  
any action against his  
Lord, if it be not Appeal  
of maihim, and the Lord  
without protestation make  
answere vnto it, then by  
this hee villein is made free.

Also if a villeine pur-  
chase land, & hath goods  
and sel the goods & lands  
befoze any entre oz seisin  
made

made by the Lord, the sale  
is good. But the King  
which is Lord of a billein  
in such case may enter and  
seise the land after such  
sale made for no time run-  
neth against the King.

fait per le Seignieur, la  
vend' est bon, mes le Roy  
que est Seignieur de vil-  
leine en tiel case poit enter  
& seiser le terre apres tiel  
vendic' fait, Quia nullum  
tempus occurrit Regi.

45 Viscount.

Viscount

Viscount, is either the  
name of one degree or  
state of honour vnder an  
Earle, & aboue a Baron,  
or else the name of a magi-  
strate & officer of great  
authoritie whom we com-  
monly call (Shirife) or to  
speak more truely (Shire-  
reue) and was at the first  
called (Shire-gereue) that  
is to say, the keeper of the  
Shire, or the Reue or  
Ruler of the Shire, for  
(Gereue) being deriued of  
the Saxon word (Gere-  
tean) to rule, was first  
called (Gerecsa) and then  
(Gerefa) which betoken-  
neth a Ruler.

Viscount, est oule nosme  
de vn degree ou state de  
honour sous vn Countee,  
& paramount vn Baron,  
ou le nosme de vn Magi-  
strate & officer del graund  
authoritie q nous commu-  
nement appellomus (Shi-  
rife) ou de parler plus ve-  
rayment (Shire reue) &  
fuit al primes appel (Shire-  
gereue) cest adire Custos  
comitatus, ou le Reue ou  
Ruler del Countie, car  
(Gereue) deuant deriue de  
Saxo pol (Gereteau) pur  
rule, fuit al primes appel  
(Gerecsa) & donques  
(Gerefa) que betoken vn  
Ruler.

And hereof cometh  
(Portreue, or Portgreue)  
a name that in olde time  
was giuen to the head of-  
ficer of a Towne, and sig-  
nifieth the Ruler of the  
Towne, for that (Port)  
comming of the Latine

Et de ceo vient (Port-  
reue, ou Portgreue) vn  
nosme que en viel temps  
fuit done al chiefe officer  
dun ville, & signifie le go-  
uernour del ville, pur ceo q  
(Port) veniens de le Latine

### The Exposition of

parol (Portus) signifie vn port ville, & (Gerue) este-  
ant deriue come est auant-  
dit signifie vn Ruler, issint  
que Portgerue, ou come  
nous a ore briefement parle  
ceo (Portreue) est ie go-  
uerner del ville.

wozd (Portus) signifieth a  
Port towne, & (Gerue)  
being deriued as is afore-  
said signifieth a ruler, so  
that Portgreue, or as  
we now shorter speake it  
(Portreue) is the ruler of  
the Towne.

Et issint suit le chiefe of-  
ficer ou gournor del citee  
de Loundres longe temps  
past (deuant que ils a l le  
nosme del Maior ou Bai-  
lifes) appel, come il ap-  
piert en diuers vieulx Mo-  
numents: Mes principal-  
ment en le Saxon Charter  
de Guiliam Bastard le  
Conquerour, que issint  
commence:

William le King greit  
William Bisceop, & God-  
frey Ges port Geretant,  
and dalle tha Burwarren  
tne on London beon, &c.

Issint ils de Germanie  
(de que nous & nostre  
language ensemble pri-  
merment vient) appel en-  
ter eux vn gournour Bur-  
greue, vn auter Mar-  
greue, & vn auter Land-  
greue, ou tielx sembla-  
bles &c.

Cest tant est dit tantole-  
ment pur monstre le droit

And this was the head  
Officer or Gournour of  
the Citie of London long  
since (before they had the  
name of Maior or Bai-  
lifes) called, as it toth ap-  
peare in diuers old monu-  
ments. But chiefly in the  
Saxon Charter of Wil-  
liam Bastard the Con-  
querour, which thus be-  
ginneeth:

William the king greit  
William the Bishop,  
& Godfrey the Portreue,  
and also the Citizens that  
in London be &c.

So also they of Ger-  
manie (from Whom we  
and our language toge-  
ther first came) call a-  
mong them one gouer-  
nour Burgreue, an other  
Margreue, and an other  
Landigreue, which such  
like &c.

Thus much is said  
only to shewe the right  
Etymon

**E**tymon and antiquite of Etymon & antiquite del the word ( Shyrife ) to parol ( Shyrife ) a quel offici- which officer our common cer nostre common Ley Law hath alwaies accord- ad toutes foits accordant dingly giuen great trust done graund confidence and authozitte , as to bee & authoritie , come deſtre a speciall preſeruer of the vn speciall preſeruer del peace . And therefore all peace . Et pur ceo tous ob- Obligatōs that he taken ligations q̄ il priſt a meſme to the ſame end , are as re- le purpoſe , ſont come Re- cogniſances in law . cogniſans en ley .

**H**ee alſo is a Judge of Il auxy eſt vn Iudge de record when he holdes the record quant il tient les Leetes or Turnes which Leetes ou Turnes , les q̄ux are Courts of record . ſont Courts de record .

**A**lſo hee hath the execu- Item il ad le execution tion and returne of writs , & retourne des briefes , & & impanelling of Juries , empannelling des Iuries , and ſuch like &c . & tiels ſemblabies .

426 Volunt.

Volunt.

**V**olunt , is when the te- Volunt , eſt quant le re- nant holdeth at the will nant tyent a la volunt of the leſſor , or of the lord del leſſor , ou del Seignior , and that is in two man- & ceo eſt en deux man- ners . ners .

**O**ne is , when I make Vn eſt , quant ieo face a leaſe to a man of landes , leaſe a vn home de terres , to hold at my will , then I a tener a ma volunt , don- may put him out at my ques ieo puiſſe luy ouſter a pleaſure : But if hee ſow mon pleaſure : Mes ſi il the ground , & I put him emblee le terre , & ieo luy out , then he ſhall haue his ouſta , donques il auera ſon corne , and going out and embleement , & egreſſe & comming in till they bee regreſſe ieſques ils ſont ripe to cut and carie out mature pur eux ſcier & car- of the ground . rier hors del terre .

Bb. iij.

Et

## The Exposition of

Et tiel tenant a volunt  
nest pas tenu de sustainer  
& repaier le meason si-  
come tenant a terme de  
ans est tenu: Mes si il fait  
voluntarie wast, le lessour  
auera vers luy vn action de  
Trespas.

Auxyla est auter tenant  
a volunt del Seignior  
per copie de Court Rolle  
selonque le custome del  
manor: Et tie tenant poit  
surrender le terre en les  
maines le Seignior per  
le custome al vse vn auter  
pur terme de vie, ou en  
fee simple, ou fee taile, &  
donques il prendra le ter-  
re del Seignior, ou son  
Seneschall per copie, &  
ferra fine al Seignior.  
Mes si le Seignior ousta  
tiel tenant, il nad remedie  
mes de fuer per petition,  
& si tiel tenant voile em-  
plede vn auter des terres  
&c. il couient enter vn  
plaint en le court, & cou-  
tera en le nature de quel  
brieue il voit, sicome le  
case lyeth.

437 Voucher.

Voucher, est quant vn  
Præcipe quod reddat  
de terre est port vers vn

And such tenant at will  
is not bound to sustaine &  
repaire the house as a te-  
naunt for terme of yeares  
is bound: but if hee make  
wilfull wast, the lessor shal  
haue against him an acti-  
on of Trespas.

Also there is an other  
tenant at will of the Lord  
by copie of Court Rolle  
according to the custome  
of the Manor: And such a  
tenant may surrender the  
lands into the hands of the  
lord by custome to the vse  
of an other for term of life,  
or in fee simple, or in taile,  
and then he shal take the  
land of the Lord, or his  
Steward by copie, and  
shall make fine to the lord:  
But if the Lord put out  
such a tenant, hee hath no  
remedie but to sue by peti-  
tion, & if such a tenant will  
implede an other of the  
lands &c. hee ought to en-  
ter a plaint in the court, &  
shall declare in the nature  
of what writ he will, as the  
case lyeth.

Voucher.

Voucher, is when a Pra-  
cipe quod reddat of  
land is brought against a  
man,

man, and another ought to warrant the land to the tenant, then the tenant shall vouch him to warranty, & thereupon he shall have a writ called Summoneas ad warrantizandum: And if the Sherife retourne that hee hath nothing by the which hee may be summoned, the there shall go forth a writ called Sequatur sub suo periculo, & when he cometh he shall plead with the demandant, & if he come not, or if he come and cannot bar the demandant, the demandant shall recouer the land against the tenant, and the tenant shall recouer as much land in value against the vouchee, and thereupon he shall have a writ called Capias ad valentiam against the vouchee.

I take more of vouchers before in the title Warranty. Vide plus de Vouchers devant titulo Warranty.

438

Vses.

Vses of land had beginning after that the custom of property began among men: As where one being seised of landes in fee simple, made a feoffment to another without

Vses.

Vses de terre ad son commencement apres q le custom de property commence enter homes: Come ou vn esteant seise de terres en fee simple, fait vn feoffment al vn autre sans

Bb iij,

ascun

The Exposition of

aucun consideration, mes  
seulement meaning que le  
auter serroit seisié al son  
vse, & que il mesme voile  
prendre le commodity &  
profits de les terres, & que  
le feoffee doyt auer le pos-  
session & franktenement  
de ceo al meisme le vse &c.

any consideration, but only  
meaning that the other  
should be seised to his vse,  
& that hee himselfe would  
take the commodity & pro-  
fits of the lands, and that  
the feoffee should haue the  
possession and franktne-  
ment thereof to the same  
vse &c.

Ore apres ceo sur bone  
considerations, & pur a-  
uoider diuers mischieses  
& inconueniences, fuit le  
Statute de Añ 17. H. 8. ca.  
10. puruiew, quel vniter le  
vse & possession ensemble,  
issint que il que ad le vse  
de terre, il mesme ad le  
possession de ceo, accor-  
dant al vse que il auoyt  
en ceo per vertue de cest e-  
statute.

Now after this vpon  
good considerations, and  
to auoid diuers mischieses  
and inconueniences, was  
the Stat. of añ 17. H. 8. ca.  
10. provided, which vniteth  
the vse and possession toge-  
ther, so that who hath the  
vse of the land, the same  
hath the possession thereof,  
according to the vse hee  
hath therein by vertue of  
that statute.

439

Vsury.

Vsury.

Vsury, est vn gaine de al-  
cú chose ouster le prin-  
cipall ou ceo que fuit lent,  
exact seulement en consi-  
deraion de le loan, soyt il  
de Corne, Viande, Appa-  
rell, Wares, ou tielx sem-  
blables, come de money.

Et icy mult payt e-  
stre dit, & diuers cases

Vsury, is a gaine of any  
thing about the princí-  
pall, or that which was  
lent, exacted only in consi-  
deratiō of the loane, whe-  
ther it be of Corne, Wheat,  
Apparel, wares, or such  
like, as of money.

And here much might  
bee saide, and many cases  
might

might bee put concerning  
Usury, which of purpose  
I omit, onely I wish,  
that they who accompt  
themselves religious and  
good Christians would  
not deceiue themselves by  
colour of the Statute of  
Usury, because the statute  
saith that it shall not bee  
lawfull for any to take a-  
boue x. l. in the C. li. for  
a peare &c. whereby they  
gather (although falsly,)  
that they may therfore  
take x. pound for the loan  
of an C. li. with a good  
conscience, because the Sta-  
tute doth after a sort dis-  
pence withall (for that it  
doth not punish such ta-  
king,) which thing it can-  
not doe with the Lawes &  
ordinances of God, for  
God will haue his decrees  
to bee kept inuiolable,  
who saith, lend looking  
for nothing thereby &c.  
By which wordes is ex-  
cluded, either the taking  
of x. l. v. l. yea, or one peny  
aboue the principall. But  
rather let such thinke, that  
that Statute was made  
vpon like cause, that mo-  
ued Moyses to giue a bill

poient estre mys concer-  
nants Usurie, le quel de  
purpose ieo omit, solement  
ieo pria, que ceux que ac-  
compt eux mesmes religi-  
ous & bone Christians ne  
voient deceiue eux mes-  
mes per colour de le Sta-  
tute de Usurie, pur ceo que  
le Statute dit, que il ne  
serra loyall pur aucun de  
prendre ouster x. li. en le  
C. li. pur vn an & c. per que  
ils collect (mes fauxmēt)  
que ils poient per ceo  
prendre x. li. pur le loane  
dun C. li. ou vn bon con-  
science, pur ceo que le sta-  
tute solongue vn maner  
dispence oue ceo, (pur  
ceo que il ne punishe ty-  
elx prendors) quel chose il  
ne poit faire oue les leyes  
& ordinances de Dieu, car  
Dieu voyle auer ses de-  
crees obserue inuiolable,  
que dit, lend expectans  
pur nul chose pur ceo &c.  
Per queux parolx est ex-  
clude, le prisel de x. li.  
v. li. ou de vn denyer  
ouster le principall. Mes  
plus pensant tiels que cest  
Statute fuit fait sur tiel  
semble cause, que mou-  
ued Moyses de doner vn bill  
de



# The Exposition of

de diuorce a les Israelites,  
come nousment, pur a-  
uoider vn greinder mis-  
chiefe, & pur le duritie de  
leur ceurs.

of diuorce to the Israe-  
lites, as namely to auoide  
a greater mischiefe, and  
for the hardnes of their  
hearts.

440 Vtlary.

Vtlary, est quant vn Exi-  
gent assist vers aucun  
home de appaerer en alcun  
Court de faire respons al  
aucun action ou indictment,  
& proclamation fait en v.  
Counties, donques a le v.  
Countie si le defendant ne  
appare, donques le Co-  
roner donera iudgement  
que il sera hors de prote-  
ction de Roy, & hors del  
eyde le ley.

Velarie.

Vtlary, is when an Ex-  
igent goeth forth a-  
gainst any man, to appear  
in any Court to make an-  
swere to any action or in-  
dictment, and proclamation  
made in siue Counties  
then at the v. countie if the  
defendant appeare not, the  
the Coroner shall giue  
iudgement that he shall be  
out of the protection of  
the king, and out of the  
aide of the law.

Et per tiel vtlary en  
actions personals le party  
vilage forfeitera tous  
ses biens & chateux al  
Roy.

And by such an vtlarie  
in actions personals the  
party outlawed shall for-  
feit all his goods and cat-  
tels to the king.

Et per velary en felonie  
il forfeitera auxybñ tous  
ses terres & tenemens q il ad  
en fee simple, ou pur terme  
de sa vie, come ses biens &  
chateux.

And by an vtlary in fe-  
lonie he shal forfeit aswell  
all his lands & tenements  
that he hath in fee simple,  
or for terme of his life, as  
his goods & cattels.

Auxy mesque vn home  
soyt vilage, vncore si aucun  
discontinuance ou erreur  
soit en la suite del proces,  
le party de ceo auera la

Also though a man bee  
outlawed, yet if any error  
or discontinuance bee in  
the suite of the proces, the  
partie thereof shall haue

aduantage, and for such cause the vilarie shall be reuerfed and adnulle.

And if the partie defende-  
dant be ouer the sea at the  
time of the vilarie pronou-  
ced, that is a good cause of  
the reuerfal of the vilarie.

Also if an Exigent bee  
awarded against a man in  
one countie where he dwel-  
leth not, yet an Exigent  
with proclamation shal go  
forth to the Countie where  
he dwelleth, or else if he be  
thereupon outlawed, the  
vilarie may be reuerfed, as  
it appeareth by the statute  
made the 6. and 4. yeare of  
king Ed. 3. cap. 4.

And if a man be outla-  
wed in an action personall  
at the suit of an other, & af-  
ter hee purchase his Char-  
ter of pardon of the king,  
such charter shall neuer be  
allowed, till he hath sued a  
writ of Scire fac' to warne  
the party plaintife, & if hee  
appeare, then the defende-  
dant shall answer him, & barre  
him of his action, or else to  
make agreemēt with him.

441

Verum.

V Trum, is a writ, and it  
lyeth when the right of

aduantage, & pur tiel cause  
loutlagarie terra reuerse &  
adnulle.

Auxy si le partie defen-  
dant soit ouster la mere al  
temps del vilagarie pro-  
nounce, ceo est bon cause  
de reuerfal del vilarie.

Auxy si vn Exige. t soit  
agarde vers vn home en  
vn countie lou il ne de-  
murra pas, vncore vn exi-  
gent oue proclamation is-  
sera al countie lou il de-  
murre, ou autrement sil  
soit sur ceo velage, vilaga-  
rie poit este reuerse, come  
appiert per le statute fait  
Anno 6. & 4. Henrici 8.  
cap. 4.

Auxy si vn soit vilage en  
action personall al iuit dun  
aurer, & puis il purchase  
son Charter de pardon de  
Roy, tiel charter ne terra  
iammais ailewe, tanque il  
ad sue vn brieve de Scire  
facias de garu le pty plain-  
tife, & si il appeare, doncs  
le defendant respondera a  
luy, & luy barreñ de sa ac-  
tion, ou autrement de faire  
agreement ouelque luy.

Verum.

V Trum, est vn brieve,  
& gist quant le droit de  
ascun

## The Exposition of

ascun Eglise est aliene & any Church is aliened & tenuis en lay fee, ou translate en possession d'auter Eglise, & le alienour deuie, donques son successeur auera le dit briefe, per que vn enquesterra charge de trier *virum* si libera *electum* Ecclesie vel laicum secundum. holden in lay fee, or translated into the possession of any other Church, and the alienour dyeth, then his successor shall haue the said writ, whereby an inquest shall be charged to trie whether it be of free almes of the Church or lay fee.

Et nota, que nul que ad couent ou common seale, poit maintenir cest brief, mes briefe de Entre sine assensu Capituli de alienation fait per son predecessor.

And note well, that none that hath couent or common seale, may maintain this writ, but a writ of Entre sine assensu Capituli of the alienation made by his predecessor.

W.

442 Waife.

**W**Aife, est quant vn laron ad feloniously emblee biens, & esteant neerement pursue oue hue & crie, ou autrement surcharge oue le burden ou trouble des biens, pur son ease & plus speedie traualle, sans hue & crie, fua & waiua les biens ou ascun part de eux arreuer luy &c. donques le officer del Roy, ou le Reeue ou Bailife al Seignour del manour (deins que iurisdiction ou cir-

W.

Waife.

**W**Aife, is when a thief hath feloniously stol- len goods, & being neere- ly followed with hue and crie, or else overcharged with the burden or trouble of the goods, for his ease sake and more speedy traualing, without hue and crie, flyeth away and leaueth the goods or any part of them behind him, then the R. officer, or the Reeue or Bailife to the Lord of the manor (within whose iurisdiction or cir-

cuit

cuit they were left) that cuit ils fueront waife) que  
 by prescription, or graunt per prescription, ou graunt  
 from the King hath the de Roy ad le fraunchise de  
 fraunchise. Waife, may waife, poyent seifier les bi-  
 seise the goods so waived ens ilint waife al vie de  
 to their Lords use, who leur Seigniors, que poient  
 may keepe them as his retaine eux come les pro-  
 own proper goods, except per biens, sinon que le  
 that the owner come with owner vient ouesque fresh  
 fresh suit after the felon, suit apres le felon, & sue  
 and sue an appeal, or giue vn appeal, ou done en eu-  
 in euidence against hym dence enuers luy al son  
 at his arraignment vpon arraignment sur le in-  
 the indictment, and her at- dictment, & il attain de  
 tainted thereof &c. In cco &c. En queux ca-  
 which cases the first ow- ses le primer owner a-  
 ner shall haue restitution uera restitution de ses  
 of his goods so stolen and byens ilint emblee &  
 waived. waife.

But although as hath Mes nient obstant come  
 been said, Waife is pro ad este dit, waife est pro-  
 perly of goods stolen, yet perment de biens emblees,  
 waife may bee also the vncore waife pout este auxi  
 goods that are not stolen: de biens nient emblees:  
 As if a man bee pursued Come si vn home soit pur-  
 with hue and crie, as a sue ouesq; hue & crie, come  
 felon, & he speth, and lea- vn felon, & il sue & relin-  
 ueth his owne goods &c. quish les biens demesne  
 these shall bee taken as &c. ceux terra prise come  
 goods waived, & forfait as biens waife, & forfait cōc  
 if they had been stolne. fils ad este emblees.

443 Waive.

Waive, is a woman that  
 is outlawed, & she is  
 called waive, as left out or  
 forsaken of the law, and

Waive.

Waive, est vn feme  
 que est vilage, &  
 el est appelle Waive,  
 quasi relicta à lege, &  
 nemy

# The Exposition of

nemy vilage come home  
est : Car temes ne sont  
iures en Lectes al Roy,  
ne al Ley, come homes  
sont, queux pur ceo sont  
deins le ley, lou femes  
ne sont, & pur cest cause  
ils ne poyent estre dit vil-  
lage, entaunt que ils  
ne vnques fueront deins  
ceo.

Mes vn home est dit vr-  
lage, pur ceo que il fuit vn  
sours iure a le Ley: Et a  
ore pur contempt il est mis  
hors del ley, & dictus vr-  
lagatus, quasi extra legem  
positus.

444 Warwit.

WARWIT, (ou Wardwit  
come alguns copies ad  
ceo) hoc est quietum esse  
de denarijs dandis pro  
wardistaciendis.

445 Wast.

WAST, est lou tenant a  
terme dans, tenant a  
terme de vie, ou tenant  
pur terme d'auter vie, te-  
nant en Dower, ou te-  
nant per le Curtesie, ou  
Gardeine en Chivalrie  
fait Wast ou destruction  
sur la terre, cestasca-  
uoir, sil debrusa meason,  
ou coupe merisme, ou

not an outlaw as a man  
is: For women are not  
sworne in Lectes to the  
king, nor in the Law, as  
men are, therefore  
are within the law, where-  
as women are not, and for  
that cause they cannot be  
said outlawed, insomuch  
as they neuer were with-  
in it.

But a man is called be-  
law, because that he was  
once sworne to the Law:  
And now for contempt he is  
put out of the law, & is cal-  
led outlaw, as one shold say  
without benefit of the law.

Warwit.

WARWIT, (or Wardwit  
as some copies haue  
it) that is to be quite of  
giuing of money for kee-  
ping of wardes.

Wast.

WAST, is where tenant  
for terme of yeares, te-  
nant for terme of life, or  
tenant for terme of an o-  
thers life, tenat in dower,  
or tenat by the curtesie, or  
gardein in chivalrie doth  
make wast or destruction  
vpon h land, that is to say,  
pulleth downe the house, or  
cutteth downe tynder, or

sub-

suffereth the house wil-  
lingly to be diggeth  
the grounde in the  
reuerſion of the one  
ſon, or the other, & ſhall  
reouer the ſame wher the  
waſt is done, & treble da-  
mages. And if a man cut  
downe timber without li-  
cēce, & therewith repaireth  
old houſes, yet that is no  
waſt. But if hee with the  
timber build a new houſe,  
then the cutting downe of  
ſuch timber is waſt. Alſo  
the cutting downe of bir-  
derwood, or willowes,  
which is no timber, ſhall  
not be ſaid waſt, but if they  
growe in the ſight of the  
houſe of the houſe.

446

Wreck.

WRecke, or Varech, as  
the Normans from  
whom it came call it, is  
where a ſhip is periſhed  
on the Sea, and no man  
eſcopeth aliue out of the  
ſame, and the ſhip, or part  
of the ſhip ſo periſhed,  
or the goods of the ſhippe  
come to the land of any  
Lord, the Lord ſhall  
haue that as a wrecke of  
the Sea. But if a man, or  
a dog, or cat, eſcape aliue,

ſuffer le meason voluntary  
pur eſchier, ou foder la ter-  
re, donques ceſly en le re-  
uerſion auera vn brief pur  
ceſt waſt, & recouera le  
lien ou le waſt ſuit fait, &  
treble dāmmages. Et ſi  
home coupe merſime ſans  
licence, & oueſque ceo re-  
paire les auint measons  
vncore ceo neſt pas waſte.  
Mes ſi il oueſque le me-  
riſime edifica vn nouel mea-  
ſon donques le couper de  
tiel merſime eſt waſt. Aux  
le couper de ſubbois ou  
willowes, que neſt pas me-  
riſime, ne ſerra dit waſt, ſi  
non que ils creſſont en le  
view ou ſcite del meason,

Wrecke.

WReck, ou Varech comē  
les Normans de que  
il vient appellont ceo, eſt  
quant vn nefe eſt periſhe  
ſur la mere, & nul home  
eſcape viue hors del nefe.  
& le nefe, ou part del  
nefe iſſint periſhe, ou les  
biens del nefe vient al  
terre dāſcun Seignour, le  
Seignour les auera come  
vn wreck de le Mere. Mes  
ſi vn home, ou vn che-  
u, ou chate, eſcape viue,  
il n'eſt

The Exposition of

issint que le party a que les  
biens sont veigh deins lan  
& iour, & proue les biens  
destre ses, il auera eux ar-  
rere, per prouision del sta-  
tute de West. 1. cap. 4. fait  
en les iours del Roy E. 1. q  
en ceo followed le decret  
de Henry le 1. deuant que  
iours si vn niefte ad est iect  
for le shore, corne oue tem-  
pest, & nemy repayre per  
eux que escapont en vie  
deins vn certaine temps, q  
doncs ceo fuit prise come  
Wrecke.

447 Withernam.

Withernam. Vide de  
ceo deuant titulo Di-  
stesse.

448 Warren.

WARREN est vn lieu pri-  
uiledged per preterip-  
tion ou graunt del Roy pur  
le preservation del leuc-  
rets, cunicles, & pelices  
& phelants, ou aucun de  
eux.

so that the party to whom  
the goods shal come  
within a day,  
and proue the goods  
his, he shal haue them a-  
gaine, by prouision of the  
statute of West. 1. cap. 4.  
made in King E. 1. dayes  
who therein followed the  
decree of Henry the 1. be-  
fore whose dayes, if a ship  
had bin cast on shore, torn  
with tempest, & were not  
repaired by such an esca-  
ped alme within a certayne  
time, that then this was  
taken for Wrecke.

Withernam.

Withernam, Look ther-  
fore in the title Di-  
stesse.

Warren.

WARREN, is a place pri-  
uiledged by preterip-  
tion or graunt of the king  
for the preservation of  
hares, Conie, Partrid-  
ges and phelants, or any  
of them.

FINIS.

